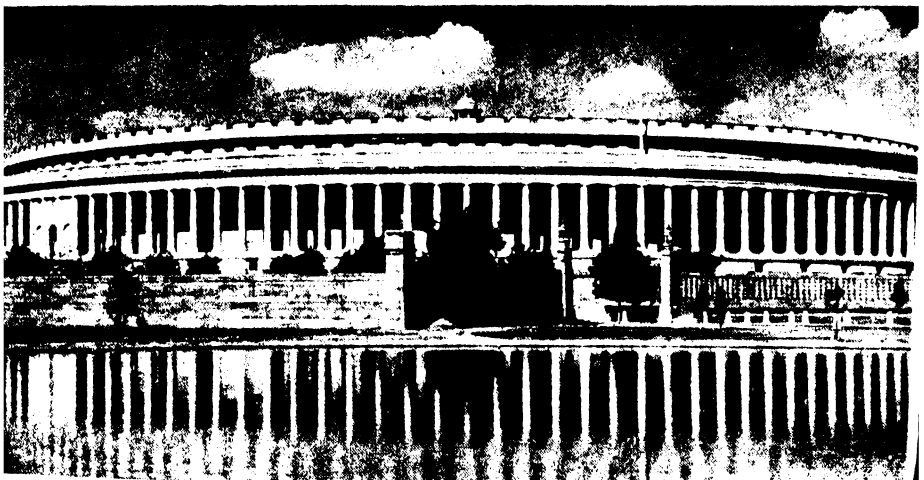


# The Journal Of Parliamentary Information

VOLUME XVI NO. 2  
JULY, 1970



# **THE JOURNAL OF PARLIAMENTARY INFORMATION**

*Editor: S. L. SHAKDHER*

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CONTENTS	PAGE
<b>Late Shri Panampilli Govinda Menon</b>	1
<b>Addresses and Speeches :</b>	
Address by the Prime Minister to the I.P.U. Conference held in New Delhi in October, 1969 . . . . .	4
Inter-Parliamentary Association Symposium on Role and Position of Governors and Centre-State Relations—	
Welcome Address by Dr. G. S. Dhillon, Speaker, Lok Sabha . . . . .	12
Inaugural Address by Shri G. S. Pathak, Vice-President of India . . . . .	15
Important Points made by the Delegates at the Symposium . . . . .	22
<b>Articles :</b>	
Speaker—A plea for Non-Party Status — <i>D. K. Kunte</i>	46
The Lighter side of Parliamentary Proceedings	
— <i>A. Shanker Reddy, Secretary, Andhra Pradesh Legislature</i> . . . . .	49
Impact of Financial Committees' Recommendations on Administration : Public Accounts Committees Recommendation on—	
(i) Purchase of Road Roller	
(ii) Wasteful Expenditure on Government Publications	
(iii) "New Service"/"New Instrument of Service"	
— <i>LR-I Service, Lok Sabha Secretariat</i> . . . . .	55
<b>Short Notes :</b>	
(a) Parliamentary Events and Activities . . . . .	94
(b) Privilege Issues . . . . .	95
(c) Procedural Matters . . . . .	112
<b>Sessional Reviews :</b>	
Lok Sabha . . . . .	131
Rajya Sabha . . . . .	220
States . . . . .	245

	PAGE
<b>Political and Constitutional Developments in States</b>	272
<b>Book Review :</b>	
Jeremy Bray : Decision in Government —Prof. M. Ruthnaswamy	293
<b>Summaries of Books :</b>	
Charles Wilson : Parliaments, People and Mass Media	296
V. Jagannadhana & H. R. Makhija : Citizen, Administration and Lok Pal	299
<b>Recent Literature of Parliamentary Interest</b>	303
<b>Appendices</b>	322

## **OUR CONTRIBUTORS**

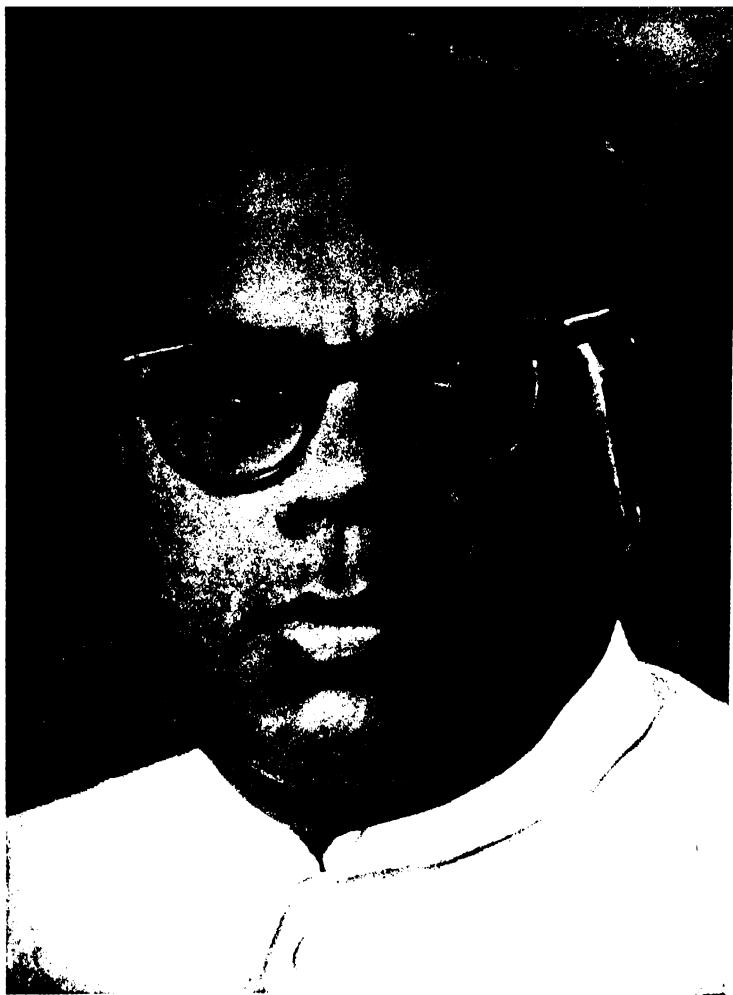
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*Book Review :*

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**Shri Panampilli Govinda Menon**  
(October 1, 1908—May 23, 1970)

## LATE SHRI PANAMPILLI GOVINDA MENON

Shri Panampilli Govinda Menon, Union Minister of Law and Social Welfare, suddenly passed away after a heart attack on the morning of May 23, 1970. The country lost in his death a dedicated patriot, a distinguished administrator and an able parliamentarian.

Before joining the Union Cabinet in 1966, Shri Menon was a leading figure in the State politics in his home State of Kerala. Entering public life at an early age, Shri Menon devoted himself to the cause of responsible government in the erstwhile princely State of Cochin and also actively participated in the freedom movement.

Shri Menon was elected to the Cochin Legislature in 1935 and subsequently re-elected successively in 1938, 1945 and 1948. He joined the Government of Cochin as Minister of Food and later became the Prime Minister of the State during the years 1946-47. On the formation of the State of Travancore-Cochin, he served that State first as Minister of Education, then as Minister of Finance and eventually as the Chief Minister of the State during the years 1955-56.

Shri Menon was elected to the Constituent Assembly of India in 1947 where he served on two of its important Committees—the Union Constitution Committee and the Steering Committee. He was appointed a member of the Third Finance Commission in 1961.

Shri Menon was elected to the Lok Sabha in 1962 and was again returned in the 1967 Elections. He was the first Chairman of the Committee on Public Undertakings of Parliament constituted in 1964. In 1966, he joined the Union Council of Ministers as Minister of Food, and in March 1967 became a member of the Union Cabinet as Minister of Law, assuming charge of the portfolio of Social Welfare as well in the following year. He also held the additional portfolio of Minister of Railways for some months from November 1969 onwards.

Shri Menon had travelled extensively abroad and represented the country with distinction at a number of international conferences: he was a delegate to the ILO Conference in 1953, led the Indian Delegation to the Inter-Parliamentary Conference at Belgrade in 1963, and was, again, leader of the country's Delegation to the FAO Regional Conference at Seoul in 1966.

Announcing the sad news of Shri Menon's death to the Rajya Sabha on May 23, when it had assembled for its last sitting of the Budget Session\*, the Chairman Shri G. S. Pathak stated:

"I rise to give to the House a very sad news. Our Law Minister, Shri P. Govinda Menon, has left us. It was a sudden shock and a most untimely death.

Shri Menon filled very important positions in public life. He was a Member of the Constituent Assembly. He served a number of Committees of the Constituent Assembly with great distinction. He was a Minister and Prime Minister in the Cochin State. Later he was a Minister and Chief Minister in the newly-formed Travancore-Cochin State.

So far as his career as a lawyer is concerned, I can say that in the legal profession he occupied a very prominent position both in the High Court as well as in the Supreme Court. He appeared in the Supreme Court in a number of cases when I was practising there.

We mourn his loss and we feel that somebody belonging to us has passed away so suddenly. It is difficult to think that he has left us so suddenly. He was with us working only a few days ago. Only yesterday we came to know that he had been suddenly taken ill and was hospitalised. Today he was given oxygen and artificial respiration for a considerable time and we were hoping that he may revive. But he has been taken away from us. I am sure you all join me in mourning his loss and in expressing our sense of sorrow at this terrible loss today.

May I ask you to rise and stand in silence for three minutes in honour of his memory?"

The Members stood in silence as a mark of respect to the departed soul.

The House, thereafter, adjourned *sine die*.

In a Resolution published in the Gazette of India Extraordinary

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\*Lok Sabha was not in Session then, as it had adjourned earlier on the 20th May 1970.

that day, the Government of India expressed great sorrow at the sad demise of Shri Menon. The Resolution *inter alia*, said:

“The sudden passing away of Shri Panampilli Govinda Menon on 23rd May, 1970 has deprived the country of a dedicated patriot, a very able lawyer, a distinguished administrator and a fine parliamentarian.

With his high sense of public duty Shri Menon worked without rest or respite and regardless of his state of health continued to perform his duties as a Minister right up to the end. His sudden and premature death is a grievous loss to the people and the Government of India.”

---

*Precious is man to man.*

—Carlyle

## ADDRESSES AND SPEECHES

### ADDRESS BY THE PRIME MINISTER OF INDIA SHRIMATI INDIRA GANDHI AT THE 57TH INTER-PARLIAMENTARY CONFERENCE OF THE INTER-PARLIAMENTARY UNION IN NEW DELHI ON OCTOBER 31, 1969

Mr. President, distinguished Members of the I.P.U. and other distinguished guests: May I say how glad we are to have you amongst us. I sincerely hope you will find discussions useful and your stay in India interesting as well as enjoyable. You have come from countries which differ in their political objectives and systems, but you are united in fostering the rule of the people. You know that the laws you make can command obedience only to the extent that they embody high principles and secure the people's welfare.

Until our own times, in almost every country, citizens with recognised political rights formed only a small part of the population. Rules were made by the few for the benefit of the few; the many had merely to acquiesce. Any ambition or attempt at self-assertion was suppressed.

But today Parliaments represent—and are elected by—larger numbers. The “people” are no longer an idealised entity, by which constitutions draw their authority in theory. They are the source of power.

#### *World's largest democracy*

India is the world's largest democracy. You know that we have full adult franchise. Our national parliament has an electorate of 250 million and in the last General Election, 150 million people exercised their vote. There are elected Assemblies in our 17 States. In the rural areas, our people choose their own village and district councils. But the functioning of democracy should be judged not merely by the size of the electorate, or the percentage of people exercising their franchise, but by the faith which they have in representative institutions. The test of democracy, it is said, is not how governments are chosen, but how governments are changed. The changes of Government in our States have been peaceful. Our general elections have been milestones in the growth of the constitutional outlook. They are a testimony to our people's faith in themselves and to the inherent strength of our democracy.



*Disturbances are peripheral*

Your newspapers, and ours, will tell you of our great poverty, of our regional rivalries, of our student agitations, of religious riots and so on. All these conflicts are there, as indeed they exist in one form or another in most other countries. Some of them are due to historic causes, some to the tensions unavoidable in a developing and changing society. But, compared to the judgment and self-restraint shown by our people in matters related to the substance of Government, these disturbances are peripheral. The heart of India is strong and its limbs are sturdy. It is necessary to say this because as a well-known Western newspaper editorial stated recently, India "seems always to be on trial—of no other country is it so insistently asked, will it make it?"

The Indian Constitution is federal in nature, making for the fullest development of regional personality within the ambit of national unity, and clearly demarcating regional and national functions in administrative matters. This does not mean that differences do not arise between States, or between the States and the Union, but we have the machinery to resolve such differences. Two years ago, after the Fourth General Election, Governments in some States were formed by parties opposed to the Indian National Congress—which is the party in power at the Centre. We accepted the verdict of the people, and welcomed this development as a new phase in the political maturing of our country. By and large, the Central Government has had the cooperation of all State Chief Ministers, whether they head Congress or non-Congress Governments. If there are problems, and indeed there are many, they arise not from any constitutional insufficiency but from the scarcity of resources, which creates situations, where even justifiable demands outspan the means to meet them. The earlier suppression of culture and language along with economic disparities give rise to fierce regional pride which sometimes misleads people to temporarily regard their immediate regions as something bigger than the nation. But the federal system is constitutional answer to the conflict between centrifugal and centripetal forces.

A few weeks ago, religious clashes occurred on a large scale in one State. This is not the occasion to discuss the origin of such clashes or go into their history. Such riots are indefensible. We take the sternest action to deal with them, for we know that our political edifice rests on secularism and religious equality.

*Tradition of tolerance*

These occasional outbursts have also to be viewed against our centuries' old tradition of tolerance. India is a land of many religions; Hinduism, Buddhism, Jainism, Christianity, Islam, Sikhism and others. People of the minority communities live in every part of the country and participate in all walks of life: politics and business, administration and the Defence Services, the arts, films and sport. Our first Christians date back to the time of St. Thomas the Apostle. Now there are 13 million. The Muslims are more than 10 per cent of our population—numbering 55 million. Two communities—the Parsis and the Jews—are numerically small, but culturally dynamic. Last year, the synagogue in Cochin celebrated its fourth centenary. The Parsis, only a hundred thousand in number, have produced many leaders.

*Spirit of Indian culture*

From the earliest times, the spirit of Indian culture has been one not of negation or exclusion, but of assimilation and synthesis. In our own days, Mahatma Gandhi lived and died for religious unity and brotherhood. We, who seek to draw our inspiration from him, are deeply conscious of our responsibility to continue his mission. And as I have just said, when clashes do occur, we make every effort to mobilise all our resources to put down the trouble.

*Several resolutions*

In the Western world, social and economic evolution was a step-by-step process. But in India several revolutions—political, economic, social, intellectual and technological—are taking place simultaneously and peacefully, although not always without confrontation and crises.

The years of colonial rule succeeded indigenous feudalism without supplanting it. They bred an attitude of fear, passivity and dependence. Amidst such a people arose Mahatma Gandhi. He told us: 'Regard yourselves as free and you will be free'. Mahatma Gandhi led us to freedom and Jawaharlal Nehru laid the foundations of our modernisation and scientific growth. Nehru was the greatest of democrats for it was he who took all issues to the people patiently explaining to them the meaning of modern technology, and the intricacies of events in other parts of the world. Doggedly he fought the unpopular battle against superstition and out-moded ritualistic habits

which obstruct us. Both Gandhi and Nehru emphasised that freedom did not connote mere political independence, but economic welfare, social justice and renaissance of the spirit.

#### *Planned progress*

Freedom is the starting point for effective economic self-government and planned progress. In the last two decades, we have nearly doubled our food production (from about 50 million tonnes a year to more than 95 million tonnes now) and have built large steel and machine-making industries (as a result of which we are now in a position to build our own steel mills). Educational facilities have vastly expanded. The number of children in schools has risen from 23 million to 75 million. Expectation of life has lengthened by 20 years. This and the fall in the death rate have increased our population. The Government has a vigorous family planning campaign, aiming to reduce the birth rate from 40 per thousand to 23 per thousand in a decade.

But the greatest advance is in the quality of our young people—our scientists and engineers, our artists and designers. Alas we sometimes export these also, much to our detriment.

Our women were once considered the most backward. Today some of them occupy important positions. But it is not enough for a few to be prominent; they should be enabled to make full contribution as individuals, as home-makers and as moulders of social outlook.

#### *Mistakes and shortcomings*

It is true that we have made mistakes. When so many tasks have to be undertaken simultaneously and on such an enormous scale, in conditions unexperienced elsewhere, one cannot eliminate errors. We ourselves are more keenly aware of our shortcomings than the most scathing of our critics and we are making earnest endeavour to correct them.

But progress itself upsets the *status quo*. It shakes people from the attitude of numb acceptance. It disturbs vested interests not only of the well-to-do but of the vast numbers who although they want to better their lives yet fear to depart from the familiarity of the known. Education and contact with other countries unleash pent-up expectations and give wing to dreams. The gap between one's grasp and

one's reach generates greater competition. Despite many safeguards, the better off sections in any particular group take greater advantage of our schemes. Every solution creates new problems. The expansion of education swells the number of educated unemployed. The intensive agricultural programme, which we undertook to meet the challenge of prolonged and severe drought of three years ago and which has brought us to the threshold of self-sufficiency in food, has also made the poorer farmers who live on dry lands more keenly aware of what they lack.

#### *Problems of progress*

To give another example of new problems arising out of progress, the building of industrial overheads and the restraint on imports have helped private industries to consolidate and extend their economic power, even though we have made vast investments to establish a public sector. These investments had to be made, because, on its own, private industry had neither the will, the resources, nor the ability to set up new lines of production and enter new fields of technology. In our scheme, private and public industry should complement each other to increase production. But in order to remove disparities and ensure more equitable distribution, all economic activity has to be subordinated to the social purpose. When distortions take place, corrective action has to be undertaken with decision and firmness.

In our programme of development, we have received financial assistance, mostly in the form of loans. In absolute terms, the total aid thus received may appear large. However, it is well known that when translated in *per capita* terms, development aid to India is perhaps the lowest that any developing country has received.

#### *International aid*

We recognise that transference of capital and technological resources from the developed countries to the developing countries can be a means of accelerating the pace of development. However, the terms and conditions of such transference and the concepts governing international aid and development need closer scrutiny. I hope that the publication of the Report of the Committee presided over by so distinguished a person as Mr. Lester Pearson will provide an opportunity for a wide-ranging debate on the subject of international aid for development.

Stated simply, the issue is whether international aid is to remain, primarily, an instrument of national policies of the donor countries; or

whether it becomes a part and parcel of genuine international cooperation for development.

Like all developing countries represented in the UNCTAD, India would like to see the whole pattern of international trade and aid in a new perspective of international cooperation.

International aid, as at present conceived and administered, has produced disenchantment among the recipients as well as among the donors.

The path of progress is full of reverses, frustrations and hardship. But India is no longer stagnant. It is in ferment. The people are afire with hope. They are vocal and impatient—conscious of their rights. Against the background of a highly stratified society, which had even invented the concept of untouchability, you now see the pride and self-assertion of groups and classes who once were regarded as being beyond the pale. As a Prime Minister, I am concerned with the problems of the social, economic and political engineering of new India. I travel constantly and meet millions of people. Each such encounter confirms the impression of changing ideas, attitudes, even habits. And this transformation is taking place by consent and within the framework of a political democracy.

Tension between continuity and change, between high expectations and limited means is inevitable. Yet a forward movement, a growing sense of interdependence, of unity and of working together are perceptible even in the midst of agitations and clashes. Life in India may not be easy but it certainly is interesting and challenging.

In these 22 years since Independence, India's conduct of international relations has been based on principles which we cherish, and which govern our internal policy.

#### *Non-alignment*

We regained our freedom after long hard years of suffering and sacrifice. Naturally our concern must be to preserve and strengthen it and to give it content. So, we are not prepared to abdicate our judgment of right or wrong in terms of our own assessment, or to abandon our right of action as a sovereign nation. Powerful nations attempt to mould other countries in their own image, tending to clothe their national interests in ideological garb. India decided to keep aloof from the cold war and to concentrate on her development, free from outside interference. At no time did we consider non-alignment

to mean neutrality. On matters affecting the international community, we do express our own opinion. We believe in enlarging the areas of peace and reconciliation. We are convinced that the world can survive and progress not by conflict, but only through co-operation. If this premise is accepted, there is no problem which cannot be solved through peaceful deliberations. On the other hand, if force or compulsion is to be the sanction behind international relations, problems will become more intractable and the maintenance of peace will be increasingly endangered.

#### *Peaceful co-existence*

The world is too complex and diverse to be fitted into any neat pattern of ideology of one kind or another. Our ancient sages have pointed out that the "roads to truth are many". Peaceful co-existence and non-interference in each other's affairs can no longer be regarded as moral injunctions but intensely practical necessities, without which international relations cannot be meaningful. We, who live in different nations, must be made conscious of what we have in common but we must also learn to accept our differences, so that our very diversity contributes to the richness of life.

#### *Foreign policy*

But it takes time for thoughts to change, for people to accept changes and to form new associations based on them. Some of these basic considerations, therefore, do not find acceptance; and fear and suspicion may still compel nations to enter into military combinations. However, such security is not real, nor is it conducive to evolution in keeping with the genius of a people. The membership of armed camps and subsidiary alliances have only weakened the self-reliance of nations. The policies of a country are motivated by its national interests, which are conditioned by its heritage, traditions and the requirements of its people. Foreign policy is a reflection of domestic preoccupations. Can we not pursue our national objectives by identifying them with certain collective interests and by pursuing them in co-operation with others so that we can benefit from the endeavours of the community as a whole? We think this can and must be done. Our foreign policy of peace and co-operation, based on co-existence and non-alignment, is directed towards these objectives.

We cannot be unaffected by what is happening in the rest of the worlds, or ignore the challenge which confronts mankind as a whole. The swiftness of invention and achievement gives the average man a

## *Address by the Prime Minister*

feeling of importance and, at the same time, of helplessness; a sense of power and also of insecurity. Man is confronted with an incredible extension of scientific and technological knowledge without a corresponding generation of inner resources which could evolve new thinking and enable him to break the old bonds of prejudice and of the old systems. Man is not yet attuned to the dynamics of the new. He approaches the new structures and processes now available to him, with a static mind and old attitude. He seems to be unable to make full use of his knowledge to transform himself and to create a new and more beautiful life for all mankind. It is for us, who are interested in the processes of democracy, to build not only the structures and institutions, but also to concern ourselves with the spirit of democracy, with transformation of educational system and their expression in terms of action, so that the minds of the young can carry the dimension of the new. It is only when the change in man is fundamental and on a deeper level that there can be a full flowering of his personality and the release of energy as well as compassion. Then will he become capable of true democracy and of laying the solid foundations of enduring peace.

### *International peace*

The realization of the dreams and hopes of countless millions depend on co-operation and international peace. India is deeply committed to both. Parliaments are instruments or the understanding of one another's points of view and of ensuring peaceful change. I hope that the deliberations of this conference will advance the cause of justice and that this organisation of the Parliaments of so many nations will always exert itself in the endeavour to build a world in which the growth of wisdom keeps pace with the growth of knowledge.

May I thank you for giving me this opportunity of telling you something about my vast, complicated, difficult to understand country, and at the same time to give you all good wishes on my own behalf, on behalf of the Government and the people of India.

Thank you.

## **INDIAN PARLIAMENTARY ASSOCIATION SYMPOSIUM ON ROLE AND POSITION OF GOVERNORS AND CENTRE-STATE RELATIONS**

*[A Symposium on the Role and Position of Governors and Centre-State Relations was organised under the auspices of the Indian Parliamentary Association in the Central Hall of Parliament House on Saturday, the 2nd May and Sunday, the 3rd May, 1970. Dr. G. S. Dhillon, Speaker of Lok Sabha and Chairman of the Indian Parliamentary Association, welcomed the delegates who had come from all over the country and Shri G. S. Pathak, Vice-President of India and Chairman, Rajya Sabha, inaugurated the Symposium. The welcome Address by Dr. G. S. Dhillon and the Inaugural Speech by Shri G. S. Pathak on the opening day of the Symposium are reproduced below. Summary of proceedings at the Symposium also appear, here after Speeches. Editor.—]*

### **WELCOME ADDRESS BY DR. G. S. DHILLON, SPEAKER, LOK SABHA AND CHAIRMAN, INDIAN PARLIAMENTARY ASSOCIATION**

Mr. Vice-President, Madam Prime Minister, fellow Presiding Officers, Members of Parliament and State Legislatures and distinguished friends,

It is with great pleasure that I welcome all of you gathered here for the Symposium arranged under the auspices of the Indian Parliamentary Association. I consider it a particularly happy event because I think this is the first time that all of us meet in conference at a forum of this nature. The Conference of Presiding Officers is now an institution of long standing. Secretaries of Legislatures and Chairmen of Committees—like Public Accounts Committee, Estimates Committee and Committee on Subordinate Legislation—at the Centre and in the States have also been meeting periodically to discuss and exchange views on their common problems. But there had been no arrangement so far—as we have on the international plane the Conferences of the Commonwealth Parliamentary Association or the Inter-Parliamentary Union—for Members of Parliament and the various Legislatures in India to meet and discuss matters of common concern.

The need for such a forum and its importance can hardly be over-emphasised. The very fact that it provides an occasion for legislators from all parts of the country to get together and personally know one



another is, to my mind, the first and most valid argument for such meetings. Further, whether or not we are able to reach agreement on particular questions, such collective discussions and thinking by the people's representatives of the entire country on major problems should in my view, not only result in a national appraisal of issues, but also go a long way in promoting homogeneity of outlook and emotional cohesion on national goals and values. I am, therefore, happy that we have now made a beginning today. It is gratifying to find that almost all the State Legislatures have been able to send delegations to the Symposium, most of them led by the Presiding Officers themselves, little minding the somewhat uncomfortable weather the Capital is having at this time of the year.

I think it is only appropriate that we should have chosen for discussion in this first Symposium the Union-State relations and the Office of the Governor—an important instrumentality in these relations—the true scope of whose role and powers is now beginning to be realised. These subjects, of continuing concern in any federal set-up, have come to assume, as we all know an immediacy and importance after the last General Elections in 1967—that great dividing line somewhat picturesquely described as a political water-shed in the post-Independence history of the country. For, indeed, the last General Elections marked a turning point in our democratic experience; it awakened us, for the first time, to the realities of multi-party competitive politics within the framework of the peculiar federal structure such as we have in our country. Even earlier, we did, indeed, have problems, off and on, in some form or the other, but these did not come to surface because of the great personality of Jawaharlal Nehru which sublimated all issues. The phenomenon of the same-Party rule at the Centre and in most of the States also made the big difference. The uni-Party Governmental network all over the country made possible the resolution and settlement of such questions as then arose in Centre-State relations as intra-Party affairs. This secured for us no doubt a period of cloistered calm, so much needed in the seed time of our Republic, but it also meant the deferment of the normal play of political processes in a federal set-up. What we now witness is but the natural flowering of the federal idea.

It is quite natural that in the new context the office of the Governor, with its dual obligations under the Constitution as an agent of the Centre and as the constitutional head of the State, should have turned out to be at once most crucial and difficult, demanding on the part of the incumbent utmost patience, circumspection and political sagacity.

I, for one, would not feel unduly alarmed at the recent developments; they are very much a part of the process of growth. I have immense faith in the resilience of our Constitution and the deeply-ingrained democratic tradition of our people to take care of any stresses and strains in these developments. Ours is a quest for a viable position of balance and equilibrium in Centre-State relationship, and, given a fair amount of goodwill and accommodation on all sides, it should not be beyond the collective wisdom of all of us to find appropriate and satisfying solutions.

I do not wish to say anything more, since all of you would be considering the various aspects of the issues in the coming two days. These subjects have, of course, already come up in one form or the other on several occasions in the Union Parliament as well as the State Legislatures, and Conventions and Seminars have also been arranged by various learned bodies. A fairly large amount of literature has also been written and published on these subjects. Many of you, I am sure, must have contributed in one form or the other to the debates and discussions on these subjects held inside your Legislatures and at other forums outside. Nevertheless, considering the present urgent need for a dialogue at the national level on these subjects after these have been discussed at various other levels, we thought it was high time that Members of Parliament and State Legislatures, representing various shades of political opinion in the country, should be invited to come together on a common platform and given an opportunity to discuss the issues involved from all angles.

We are fortunate in having a distinguished legal luminary, our Vice-President, Shri G. S. Pathak, to inaugurate this Symposium. With the vast knowledge and experience that he commands in the legislative and constitutional fields, I am sure the address he is about to deliver will set the tone for our deliberations.

I once again extend a hearty welcome to the distinguished guests—the Presiding Officers, and Members of State Legislatures—and our own Members of Parliament who have come to participate in the Symposium. I hope our guests from States would find the sojourn in the Capital rewarding and would carry with them happy memories.

May I now request the Hon'ble Vice-President of India to inaugurate the Symposium.

INAUGURAL SPEECH BY SHRI G. S. PATHAK, VICE-PRESIDENT OF INDIA

Madam Prime Minister, Mr. Speaker and Distinguished Friends,

I deem it a privilege to be invited to inaugurate this Symposium under the auspices of the Indian Parliamentary Association. I thank you sincerely for this invitation. It is an additional pleasure to me to be here with you for the reason that I have the honour to be a Life Member of this distinguished body. Among the various organisations in the country which discuss topics of political and constitutional importance this Association is perhaps the most representative. A Symposium held on two of the vital topics of the day by this Association is, therefore, a very important occasion. 'Centre-State Relations' and 'the Role and Position of Governors' have been the subject of discussion in the country by statesmen, academics, Jurists, the Press, the Administrative Reforms Commission and others. Voluminous literature on these topics is now extant. It is in the fitness of things that this Association should also examine and pronounce its views on them. I have before me a galaxy of parliamentarians and legislators who have gathered from all parts of the country. I have no doubt that the public will look forward, with keen interest, to the result of the discussions at this Symposium, and the deliberations here will, I am sure, be of immense benefit to all concerned.

Our Constitution is not purely a legal document. It is a social document too and has a distinct economic content also. It is the most lengthy and comprehensive of all the Constitutions of the world. However, the founding fathers, in spite of their stupendous efforts, could not have foreseen and provided for all the permutations and combinations of circumstances and it was inevitable that some cases should have escaped their attention. In a dynamic society social facts present a changing pattern. New problems come into being and the question then arises as to how they should be solved satisfactorily in the context of the present constitutional set-up. Now that this complicated machinery of our Constitution has come into play in all its parts, defects in its working are sometimes revealed which need rectification, and occasions also arise when some adjustment becomes necessary. In all such cases the primary question that must first be answered should be whether the difficulty that has arisen is due to any defect in the machinery itself for to our own shortcomings.

In a vast country like ours with its large population and diversities, federation was a political necessity. But in its very nature, federalism is a competitive system and competitive trends were likely to arise in the

relations between the Union and the States and the States *inter se*. These trends would relate not only to the acquisition and retention of powers but also to the manner of their exercise. It was necessary to offset these competitive trends and for that reason the principle of cooperation was adopted as the basis of the constitutional structure. A form of federalism which has come to be described as cooperative federalism was thus selected and cooperative techniques and devices were adopted to achieve cooperation and counter competitive trends. The underlying object always was to promote and preserve political, social and economic unity of the country.

In this connection one is reminded of an observation of Professor Laski. Federalism in the modern age, he said, is a principle of reconciliation between two divergent tendencies, the widening range of common interests and the need for local autonomy and that what is needed is neither complete independence nor total dependence but an inter-dependence that creates harmony. Cooperation thus became an indispensable necessity. To maintain harmony, more and more cooperation between the Centre and the States and the States *inter se* is essential and more cooperative devices and techniques may be adopted, if necessary.

Among the techniques adopted to assure national unity were single citizenship with a common allegiance, one judicial system with the Supreme Court at its apex, and the All India Services. Here I may say a word about state autonomy. Strictly speaking, the quantum of autonomy belonging to a State is determined by the terms of the CONSTITUTION. The States do not possess greater autonomy and the Centre cannot have larger powers than what the Constitution permits. But in the administration of the relevant constitutional provisions there is always considerable scope for flexibility.

There is sometimes discussion about 'Centralisation' and 'Decentralisation'. These considerations were examined carefully by the Constituent Assembly and indeed that was the appropriate occasion for such examination. It has also been sometimes mooted that Lists I, II and III in Seventh Schedule should be altered to as to give greater autonomy to the States. The proceedings of the Constituent Assembly disclose that although the pattern was borrowed from the Government of India Act, the Constituent Assembly itself, after prolonged discussion determined the scheme of the Legislative Lists which has a rational basis. It may be observed in passing that the system of having three Lists had come into vogue and had been adopted in other federations also. Before any attempt is made to alter these Lists in any respect,

care has to be taken to see that the balance between the Centre and the States is not disturbed and the rationality of the basis on which the system was established is maintained. The general view, however, appears to be that there is no necessity to alter the Lists.

Sometimes certain eminent persons have suggested that we should change the form of Government and instead of the Parliamentary system we should have the 'Presidential' or any other form of Government. In this connection it is important to observe that the Constituent Assembly had examined fully almost all the political systems of the world and after rejecting the Presidential and other systems selected the present one, giving good reasons for its choice. The natural question would, therefore, be whether any countervailing reasons have since been discovered which may justify reconsideration of the decision of the Constituent Assembly. Another pertinent question would be whether today it is practicable and feasible to introduce drastic changes which would be necessitated by altering the form of government.

The question was raised in Golaknath's case whether the word "amendment" in article 368 of the Constitution would cover a drastic change of this description. The argument was advanced that in the exercise of the power of amendment Parliament cannot destroy the structure of the Constitution but it can only modify the provisions thereof within the framework of the original instruments for its better effectuation. As instances of such a drastic change Counsel quoted in argument the cases of abolition of the institution of the President, the Parliamentary executive or the concept of federalism and substitution of a totalitarian system in place of the Sovereign Democratic Republic. A number of learned judges saw force in the argument but no concluded opinion appears to have been expressed on the same. It is also to be remembered that article 368 deals only with the 'amendment' while there is another provision in the Constitution which speaks of 'altered', 'repealed' and 'amended'. From this it may be argued that no drastic change which virtually results in what is known in law as repeal and re-enactment is covered by article 368, the question however, seems to be still open. One may however be inclined to agree with the view of the Administrative Reforms Commission that "the basic constitutional fabric of ours is quite sound and must remain intact. The Constitution is flexible enough to ensure its successful working irrespective of whichever party may be in power, provided that those who are in power mean to work it and not wreck it. We are convinced that it is not in the meaning of the Constitution that the solution of the problems

of Centre-State relations is to be sought but in the working of provisions of the Constitution by all concerned in the spirit in which the founding fathers intended them to be worked. There is no other way of ensuring cordial and fruitful Centre-State Relations”.

Centre-State relations cover almost the entire structure of our constitutional set-up. A number of problems have recently engaged the attention of those who are studying the various aspects of this subject. To quote only a few:—

- (1) Economic and social planning and financial and administrative relations between the Union and the States.
- (2) Whether a Commission should be established under Article 307 of the Constitution for purposes connected with trade, commerce and intercourse within the territory of India.
- (3) The use of Central Reserve Police and other forces of like nature in the States in aid of civil power and for the purposes of preservation and protection of Union property and Union personnel.
- (4) Establishment of a constitutional Advisory Body for the President and for the State Government.
- (5) Settlement of inter-State disputes.
- (6) President's powers in normal and abnormal conditions.

The Symposium may like to consider some of these and other aspects of Centre-State relations.

The subject of the role and position of Governors can be described as a particular phase of Centre-State relations. Broadly speaking, the legal position of the Governor does not admit of much controversy, and may be briefly stated as follows. The Governor is a link between the Centre and the States. He fills a dual role. He is the constitutional head of the State to which he is appointed and in that capacity he is bound by the advice of the Council of Ministers of the State except in the sphere where he is required by the Constitution, expressly or impliedly, to exercise his discretion. In the sphere in which he is bound by the advice of the Council of Ministers, for obvious reasons, he must be independent of the Centre. There may be cases where the advice of the Centre may clash with the advice of the State Council of Ministers. In the sphere in which he is required by the Constitution to exercise his discretion, it is obvious again that it is *his* discretion and not that of any other authority and therefore his discretion cannot be

controlled or interfered with by the Centre. If this view is correct, then in normal times he cannot be an agent of the Centre. He is the creature of the Constitution clothed with functions and obligations created by it. He is bound by the promissory oath to preserve, protect and defend the Constitution and the law. This oath casts a constitutional obligation on him. It is his duty to see that the Government of the State is carried on in accordance with the Constitution. In the discharge of this duty he has to exercise his influence and persuasion. It is the duty of the Centre to ensure that the Government of the State is carried on in accordance with the Constitution and in order to enable the Centre to perform its duty the Governor is obligated to inform the Centre about matter relevant to this Constitutional requirement. In the discharge of his functions the Governor derives his authority from the Constitution alone. Cases where the Governor exercises his powers as the agent of the President stand apart and are expressly provided in the Constitution.

The question has also been mooted whether in the sphere in which he is bound by the advice of the Council of Ministers, his obligation extends to accepting the advice, however unreasonable the advice may be. If the advice is so unreasonable that it could never have been within the contemplation of the Constitution-makers, is the Governor bound to accept it or can he disregard it and exercise his constitutional function independently of such advice? In other words, can he act in his discretion in this sphere also? Would, in such cases, principles of law governing abuse of powers come into play?

Quite often the suggestion is made that guidelines be given to Governors so that their conduct in similar situations may be identical. In this connection, it has to be remembered that this point was raised in the Constituent Assembly and the ultimate decision was not to issue instructions either to the President or to the Governor. Under the unamended Government of India Act, 1935, there was a provision for the issue of instrument of instructions in the Act itself. It was probably considered a retrograde step to make the Governor subject to the control of the Central Government by means of instrument of instructions. Dr. Ambedkar told the Constituent Assembly that the instrument was useless because there is no functionary who could see that the instrument of instructions is carried out by the Governor. The issue of guidelines would bring in in a different name the idea of the instrument of instructions rejected by the Constituent Assembly. Moreover, it

may be said that the issue of such an instrument not deriving any authority from the Constitution would have no constitutional validity. It is manifest that it is not possible to foresee and exhaust all possible cases which may arise in future and which may need 'guide-lines'. It may be said that it is for the Governors themselves in their conferences to lay down the guidelines for themselves, otherwise any guidelines given to them may be *ultra vires* the Constitution. The suggestion that guidelines may be framed by the inter-State Council—I believe it has been made by the Administrative Reforms Commission and issued by the Union or the President—will require a close examination of the scope of article 263, which creates inter-State Council, and the question will be whether the Constitution enables the conferment of such a power on the Inter-State Council. *Prima facie*, the Constitution does not confer the power to issue instructions or give guidelines to Governors on the President or the Union.

The suggestions that there should be a Constitutional Advisory Committee to advise the President as also to advise the State Government requires consideration of the question whether such Advisory Committees would be constitutionally valid. The Constitution requires that the President and the Governor shall act in accordance with the advice of the Council of Ministers. The Council of Ministers is responsible to the House of the People or the legislative assembly, as the case may be, for the advice given by it. It may be said that the suggested Advisory Committee would not be so responsible. Whether the setting up of Advisory Bodies other than the Council of Ministers will be within the intendment of the Constitution will be a serious question which has to be examined.

It is perhaps necessary to mention one more important Role of the Governor. In many States, he is the *ex-officio* Chancellor of the Universities in his State. The question has arisen whether he is required to take, and is bound by, the advice of his Council of Ministers in the affairs of the University. The answer to this question depends on the terms of each particular Act creating the University. Generally speaking, the University Acts make the Chancellor an authority or Officer of the University. In such cases, the Governor, who is *ex-officio* the Chancellor, derives his authority and powers from the University Act and not from the Constitution. He has to carry out his functions in accordance with that Act. He may take the advice of the Council of Ministers in certain matters but that is only to assist himself. But, otherwise, he is neither required to take such advice nor is he bound by



it in matters falling within his purview. As Chancellor he has to exercise his own judgement. Sometimes the powers conferred on him by the University Act are of a judicial character, and from the very nature of the case he has to act in his own discretion.

As I have stated, both the subjects before this Symposium are of crucial importance to the nation. Your deliberations on these subjects will, I am sure, yield fruitful results. I wish your deliberations all success. I have now great pleasure in inaugurating this Symposium.

Thank you.

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# RESUME OF POINTS MADE BY THE DELEGATES AT THE IPA SYMPOSIUM

## ROLE AND POSITION OF GOVERNORS

**Shri P. Vovinda Menon, Union Law Minister:** Under the Constitution, the Governor is expected to play a dual role, as the Head of the State and as a representative of the Centre.

The concept of the Governor's Office as it emerged from the deliberations of the Constituent Assembly was largely one of a constitutional head. The Governor has to function generally on the advice of his ministers, except in regard to matters where he has to exercise discretionary powers.

Having a parliamentary form of Government in which the Governor is expected to function as a constitutional head, the scope of his discretionary powers should be limited to three functions only, namely (i) the appointment of Chief Minister, (ii) dismissal of the Ministry, (iii) reservation of a Bill for the consideration of the President under the second proviso to Article 200 of the Constitution.

In regard to the appointment of a Chief Minister, if there is no single party or combination of parties with clear majority, the Governor should, in the first instance, invite the leader of the largest party to form the Ministry and if he refuses, he should invite another and this process may go on till a person is found who is in a position to form the government.

The Governor can dismiss the Ministry if it refuses to resign after a vote of no-confidence has been passed against it in the Assembly. The Governor may also withdraw his pleasure when he has a reasonable ground to believe that the Chief Minister no longer enjoys the confidence of the Legislative Assembly and is not prepared to face the Assembly immediately on one pretext or the other. He may also withdraw his pleasure, when the Chief Minister tries to maintain his majority in the Legislative Assembly by practising corruption.

It is not desirable for a Governor to take recourse to the unparliamentary practice of dismissing a Ministry, unless there is a clear violation of any express constitutional provision.

Having regard to the federal structure of the Indian Constitution, the power of the Governor to reserve a Bill, passed by the State Legislature, for the consideration of the President, should be exercised by the Governor very sparingly and only in extraordinary circumstances e.g., where the Bill would be repugnant to any provision of the Constitution or where its constitutionality is doubtful or where it shows any grave irregularity or serious impropriety.

When the Governor is advised by his Council of Ministers to promulgate an Ordinance under Article 213, he should, before promulgating the Ordinance, seek instructions from the President under clause (b) of the proviso to the said Article in cases where he feels that the said ordinance is repugnant to any of the provisions of the Constitution, or where its constitutionality is doubtful or where it shows any grave irregularity or serious impropriety.

The Governor may refuse to accept the advice of the defeated Chief Minister to dissolve the Legislative Assembly, if he is satisfied that it is possible to form an alternative Government and the advice of the Chief Minister is *mala fide*.

The Governor has to play a difficult role in times of constitutional crisis. He is to reconcile his loyalty to the Constitution and the Central Government with his loyalty to the State Government. His role assumes great importance in case of conflict between the State Cabinet and the Central Government. The success of the Governor depends on his acting above party politics.

The Governor plays an important role and the exercise of his judgement may, in some cases, be crucial, having far-reaching consequences. The ability of the Centre to discharge its constitutional obligations to a State depends a great deal on the proper discharge of the Governor's functions. Thus, his office is not meant to be an ornamental sinecure. Democracy itself is on trial in India today and Governors may, by their example and counsel, help the development of conventions and practices on the right lines.

The real executive power in a State must necessarily rest with the Council of Ministers and it would be an undesirable and a retrograde step, if it is sought to enlarge the powers of the Governor at the expense of the real executive.

**Shri K. Hanumanthaiya, M.P. (Lok Sabha):** The conventions and practices developed so far have been applied by various Governors with

varying degrees of difference, hence the controversy. These conventions and practices should, therefore, be reduced to some form of rules or guidelines, framed with the consent of the political parties and in consonance with the Articles of the Constitution. The need not be embodied in the Constitution, because the situations may change. When the situations change, new guidelines should be framed or the present ones modified. There is nothing wrong or illegal in the President, who is the appointing authority, issuing these guidelines under his name.

**Shri M. Moynul Haque Choudhury, M.L.A., Assam:** The Indian Constitution is unitary and at the same time federal in character. So long as we keep this character of the Constitution, the institution of Governors must remain.

A national consensus is necessary on various questions that are at present agitating the minds of the people of the country. These questions mainly pertain to the methods to be adopted in appointing Governors, forming Governments in the States, and in determining the majority support of a Government in case any doubt arises in that regard. Conventions should be developed for these matters, instead of amending the Constitution.

**Smt. Chandravati, M.L.A., Haryana:** There is no need of having a Governor in the present times. A presidential form of government on the pattern of the United States of America would suit our country, better.

**Shri P. K. Deo, M.P. (Lok Sabha):** Since the Governors are not impeachable like the President, they adopt different standards on different occasions to suit the party to which they are affiliated or had former affiliations.

Governors, being responsible to the Home Minister through the President for their actions, become partisan in their approach, instead of acting as custodians of democracy.

As the Governors have a constitutional obligation to project the will of the people, all parties agree that a guideline should be provided to the Governors. But, it should be a constitutional guideline, a statutory guideline; no executive guideline will serve the purpose.

The Legislative Assembly should elect the Leader of the House in the same manner as it elects the Speaker, and it should be made imperative on the part of the Governor to call him to form the Ministry;

then all the mischief will go. In other words, even as the Government is voted out by the Assembly, so the Government should be voted in by the Assembly, and the Assembly should be the testing ground of the stability of the Government.

**Shri Dhanik Lal Mandal, M.L.A., Bihar:** Whenever there has been failure of constitutional machinery in the States during the years since 1967, President rule was imposed in those States for very long periods. If president's rule is frequently imposed in the States it is going to have a serious repercussion on our democratic structure because, after all, President's rule means bureaucratic administration.

There are many spheres in which the Governors are supposed to act in their discretion. However, in actual practice Governors have acted according to the dictates from the Centre and their actions varied from State to State. This is not proper. There must be a uniform code of conduct for the Governors.

So far as the question of appointment of the Chief Minister is concerned, it is very necessary that a healthy convention is developed and followed by all the Governors. Similar conventions should be evolved in regard to the summoning and prorogation of the Assembly. The recommendation of the Conference of Presiding Officers in this regard should be followed.

**Shri Dharmendrasingji Rana, M.L.A., Gujarat:** In Gujarat, the Governor had called the Assembly. There was plenty of work before the House. But suddenly the House was adjourned by a majority motion. This was very improper. If this thing is allowed to continue what will be the fate of parliamentary democracy? If a Governor is there, it should be his duty to see that parliamentary democracy in its true spirit is maintained.

**Shri P. Ramamurti, M.P. (Lok Sabha):** The Governors have been functioning as the instrument of the party in power at the Centre, that appoints them. During the last twenty years new social forces have risen which are challenging the very fabric and the very economic and social foundations of our society. When these forces come in a majority in certain States and their policies run counter to those of the interests that rule at the Centre, there is a tendency to use the Governor to see that the Centre's policies are pursued and not the policies of the people who have elected the men in the State Legislatures. If the country has got to be united, it can only be on the basis of a real federation. And in a federal country like ours, if the States have to be on

their own, there must be a Head of State—(the name 'Governor' should go)—who is the real Head of that particular State and not a representative of the Central Government to act on behalf of that Government. He should, in other words, be the Head of a State which has got sovereign powers in regard to all those subjects which are reserved for it and in this no body else will have any say whatsoever.

**Shri K. V. Kreditsu, Deputy Speaker, Nagaland:** In respect of maintenance of law and order in the State of Nagaland, the Constitution provides that the Governor shall after consulting the Council of Ministers 'exercise individual judgment as to the action to be taken'. In this respect the State of Nagaland is not at par with the other States in India. In view of the admittedly improved position in the internal situation in Nagaland the responsibility of law and order should be transferred from the Governor to the State Government.

The Governor of the State of Assam is also the Governor of Nagaland and Meghalaya. A separate Governor for Nagaland should be appointed at an early date.

**Shri Satish Chandra Agarwal, M.L.A., Rajasthan:** The party in power at the Centre has made the institution of Governor a political asylum for infirm and disabled party colleagues who are being used as instruments to serve its interests in the States.

**Shri Balraj Madhok, M.P. (Lok Sabha):** The institution of Governor is essential and it must remain.

The ultimate factor is the human factor. Great care should be taken in selecting and appointing Governors. Only people of the highest integrity will be able to act as a friend, philosopher and guide to the State Governments.

Some kind of arrangement should be made by which the relations between the Governor, Central Government and the president may be constantly reviewed. Now that there is not the same party at the Centre and in most of the States, the Inter-State Council, as provided in the Constitution, should be constituted to review the Centre-State relations and advise on the appointment of Governors.

**Shri Udit Narayan Sharma, M.L.A., U.P.:** Democracy will not work if the Governors are not free agents, are not absolutely impartial and are not allowed to work without any pressure or directions from the Central Government.

Constitutional guidelines on how the Assembly has to be prorogued and how the majority party has to be invited to form a Ministry should be laid down. These guidelines should not be in the form of an Instrument of Instructions.

Once a leader is elected by the Majority party and the Governor invites him to form a Government, he should face the Assembly within a week, so that people know whether he really commands a majority or not.

**Shri Des Raj Mahajan, Speaker, Himachal Pradesh:** The Speakers' drafting committee which had drafted the Resolution in April, 1968, had said that if a majority of members wanted a session of the Assembly then it would be obligatory on the Chief Minister to get the assembly summoned. Once that position is accepted, the whole problem will be solved. A few more guidelines as to how the Assembly has to be prorogued and summoned will set the controversy at rest and divergent decisions will not be taken in future.

Once a leader is elected by the majority party and the Governor invites him to form a Government, it should be obligatory that within a week a session of the Assembly should be called so that it can be ascertained whether the Chief Minister commands the majority support.

**Shri A. P. Jain, M.P. (Rajya Sabha):** So far as the appointment of the Chief Minister is concerned, the Governor has no discretion if a party is returned with a clear majority. The Governor may have to exercise his discretion in cases where none of the parties has been returned in a majority. In such cases, he may have to form his own judgment. But that decision of the Governor must be hedged in by one condition. There must be an immediate session of the Assembly.

Cases might occur during the currency of the term of the Assembly where the ruling party may lose its majority. That raises the question of summoning and proroguing of sessions and dissolution of Assembly. Here the constitution has a certain amount of looseness. All that it says is that not more than 6 months shall intervene between two sessions of the Assembly. So, a Chief Minister can certainly postpone the crucial day for 6 months. But there the Governor has no discretion. He must accept the advice of the Chief Minister. Perhaps it would be wise to curtail the period of 6 months to even 2 months.

Normally, the strength of the party must be tested on the floor of the House. But there is a Chief Minister who refuses to listen, then alone the Governor should withdraw his pleasure.

**Shri Madhavsinh Solanki, M.L.A., Gujarat:** The discretionary powers of the Governor have to be used in such a way that the idea of a parliamentary and responsible Government is not in any way violated.

Since the Governor is appointed by the President and since his removal is also in the hands of the Centre, the State has no voice, authority or power to do anything when the Governor uses his discretion against the interests of the party in power in a State. The suggestion of the Administrative Reforms Commission that guidelines on the manner in which the discretionary power should be exercised by the Governor should be formulated by an Inter-State Council consisting of the representatives of the Central Government, State Governments and of the opposition in Parliament, should be accepted.

**Shri Yashwant Singh Nahar, M.L.A., Rajasthan:** According to the provision of the Constitution the Chief Minister is appointed by the Governor and holds office during his pleasure. This is a very strange thing since the Governor himself holds office during the President's pleasure. Perhaps that provision has been taken from the Act of 1935 which no longer fits in with the present circumstances. Therefore, it is high time that that provision is changed. A review of the Governor's powers and functions is urgently required.

**Shri Balchandra Menon, M.P. (Rajya Sabha):** The Constitution may be amended with a view to giving greater rights to the States and having elected Governors. An electoral college can be formed. Some people elected by Parliament and also by the States can decide who should be our Governors and whenever the majority of the electoral college feels that a particular Governor should go, he must resign.

As regards the question of majority, if the leader of a party is able to convince that he has got a majority, whether it is the majority of his own group or of others who are working with him, that must be accepted. The question of majority should be decided by those who agree to function under that leader and not by the Governor.



**Shri Vasudev, Deputy Speaker, U.P.:** The present Constitution is a reflection of the British administrative structure as it was framed by persons who were brought up under the British influence. The administrative structure and hierarchy of President and Governors should be completely changed. A new Constituent Assembly should be constituted to frame a new Constitution which would meet the aspirations of the people.

**Chaudhry Chand Ram, M.L.A., Haryana:** The younger element in the country's political life feel that the posts of Governors have been filled mostly by the I.C.S. people who had a different mentality, by virtue of their training and service under the British rulers. Such persons should not be assigned these high political posts.

**Shri Padamadev Narain Sharma, M.L.C., Bihar:** There should not be any long spell of President's rule in any State. It should last for a period of not more than 3 months, at the end of which there should be fresh elections. If even after that election it is not possible for any party to form a Government, then the Governor should use his discretion to invite somebody from outside the Legislature who might command wide acceptability and support of the members of the Legislature.

Certain guidelines may be provided to the Governor to act in cases where he has a feeling that the ruling party has lost the support of the majority. In such a situation, it should not be the duty of the Governor to force the Council of Ministers to face the Legislature in order to prove the majority. What should be provided in the Constitution is that the Members of the Legislature should have the power to prove beyond reasonable doubt whether the Government commands the confidence of Legislature or not.

**Shri S. N. Dwivedy, M.P. (Lok Sabha):** In the entire parliamentary system of our country, the institution of Governor has been made as irremovable executive. Not electing the Governor is a mistake which has led to many troubles. When the President and the Prime Minister are elected, the Governor should also be elected by some mechanism or the other.

Controversies have arisen because of the failure of the Governors to interpret the Constitution in the proper manner. The Governors necessarily look to the Home Minister for their guidance.

The institution of Governors has come to disrepute only because the persons appointed to the posts are such as have no independence or judgment of their own, so to say.

There is no use laying down guidelines for the Governors so long as their appointments remain with the Central authority. The guidelines will serve no purpose because it is the Home Minister who will interpret them and the Governors will be guided by that interpretation.

There is no need to continue this institution of Governor in the way it is functioning now. The duties now assigned to the Governor should be divided between the President and the Chief Justice of the State High Court without the State being burdened with all this paraphernalia, expenditure and conflict.

**Shri Dattatraya Kunte, M.P. (Lok Sabha):** It should not be necessary for the Governor to look to the Central Government or the powers that be. He should be loyal to the oath that he takes. The President must take care to see that the Governor acts up to the oath he has taken.

**Shri Joachim Alva, M.P. (Rajya Sabha):** Men of high calibre and integrity should be appointed as Governors. They will have to be men who have moved with the masses. They should not be retired judges or I.C.S. Officers. There is no reason as to why young people who are over 35 or 40 years of age should not be appointed as Governors.

**Shri A. D. Mani, M.P. (Rajya Sabha):** Men from service cadres should never be appointed as Governors because they are always accustomed to the acceptance of commands. In the States, Governors have got to exercise their independent judgment on difficult and critical occasions and, therefore, only men from public life should be chosen as Governors.

Now it is time to revive the idea of drawing up an Instrument of Instructions which was given up during the deliberations of the Constituent Assembly. It would necessitate an amendment of the Constitution.

In view of the fact that there may not be one-party government at the Centre after 1972, a Council of Republic should be formed. It should be a sort of Privy Council consisting of eminent men, such as retired Chief Justices, retired Administrators etc., who can be called for consultation by the President in regard to any delicate matters. In such matters, the President should not be bound by the advice tendered

by the Central Government. He must have discretionary powers to talk to persons or call persons for consultation before he takes any decision.

The Constitution should be amended so as to make it clear that as far as the power of proroguing or summoning the Assembly is concerned, the Governor shall act in his discretion and in his individual judgement.

**Shri Shakur Ahmad, M.L.A., Bihar:** There should be some guidelines for the Governor regarding the dismissal of a Chief Minister and the prorogation of the Assembly.

The role of Governors will remain difficult so long as defections are not checked.

**Shri R. D. Bhandare, M.P. (Lok Sabha):** The Governors have not been effective in using their powers for the proper functioning of the parliamentary form of Government at the State level. The result is that after 1967 the Governors had to face new situations which created trouble at different stages in the different States. The Governor must function as a link so that he could guide, govern, and ask the State Ministers to deal a matter in a particular manner in order to have a smooth and efficient functioning of the federal structure.

**Shri Rabi Ray, M.P. (Lok Sabha):** There is a growing feeling among the people that the Constitution needs to be radically changed. There is a demand that a Constituent Assembly be convened to frame a new Constitution for the country. It is also necessary that the Constituent Assembly should be elected on the basis of adult franchise wherein all those above the age of 18 are entitled to vote.

As long as the Constituent Assembly is not convened and a new Constitution is not framed, Parliament should make a statutory provision laying down the guidelines for the Governor's conduct.

**Shri D. N. Tewari, M.P. (Lok Sabha):** In view of the criticism that is being made in the country of the role played by the Governors, it is felt that some guidelines should be laid down and that the matter could not be left on conventions. These guidelines should lay down as to what the Governor should do in case no party has an absolute majority in the Assembly and also about the summoning of the Assembly.

**Shri Lakshmi Ram Acharya, M.L.A., U.P.:** It is the human material that counts and not the guidelines. If the guidelines have to go from the Home Minister, the institution of the Governor should be done away with, because a time may come when the Governor might be made only a piece of decoration in the already too costly and luxurious drawing-room of democracy.

**Shri Inder Kumar, M.L.C., Bihar:** Under article 174, the Governor is empowered to prorogue a session of a State Legislature or dissolve the Assembly on the advice of the Chief Minister. A Chief Minister who has lost majority can have the session of the Assembly prorogued for six months or have the legislature suspended. This has provided ample scope to the parties to manoeuvre defections for bringing about the fall of governments. This is a grave anomaly in the Constitution. There should be provision in the Constitution to enable a certain number of members of a State Legislature to requisition a session of the Assembly in case they consider it necessary.

**Shri S. N. Mishra, M.P. (Rajya Sabha):** Of late, the objectivity of the Governor has come into question although this objectivity has been said to be ensured through the oath of office that he takes and also the functions that have been assigned to him under the Constitution. But, the Governor enjoys no powers in real terms to back the oath that he takes.

There are two or three factors which are responsible for bringing the objectivity of the Governor into question. First, the institution of the Governor cannot enjoy the objectivity if the Central Government does not remain central in the political sense. Secondly, the Governor has to act on the advice of his Council of Ministers. The Governor, in normal circumstances, does so but in abnormal circumstances, he acts on the advice of the Central Council of Ministers. So, the discretionary powers of the Governors are minimum.

As a check on the Governor, a convention may be developed that in case a particular percentage of legislators feel that the Governor has not acted in accordance with the spirit of the Constitution, they should be able to make an appeal to the President in that regard and the President should refer it to the Supreme Court for legal advice.

There is no purpose in taking the oath of the kind that the Governor takes. If the Governor has a special duty to perform according to the oath, there must be some special powers. But powers assigned to

him under the Constitution are attenuated in practice by the convention of the responsible Government. So, the oath of Governor and the powers assigned to him have to be brought in a happy balance and harmony and that is a challenge to the ingenuity of the experts.

**Shri Dharamvir Singh, M.L.A., Bihar:** If the appointment of the Governor is subjected to ratification by the Council of States (Rajya Sabha), the situation where political parties do not have credence or confidence in a particular Governor can be got over.

**Shri Assamwati, M.L.A., Nagaland:** The Union Government should appoint a separate Governor for the State of Nagaland.

The Governors must have proper guidelines, and equal and same responsibility should be vested in the Governors of all the States.

**Shri J. B. Kripalani, M.P. (Lok Sabha):** Democracy is pluralistic in character where the different interests of different sections of the people sometimes conflict. No Constitution, however elaborate, can obviate these conflicts. There is a discipline under a dictatorship, but the discipline under a democracy is more difficult to keep. Therefore leaders of people will have to be careful that the self-imposed discipline is not destroyed; for if it is destroyed, there is no knowing where one will find oneself.

A post like that of the Governor is a very respectable post and the Government must see that respectability is kept up. The powers of the Governors must be regulated by proper conventions. If there are no conventions, no Constitution, however well-made, can serve the purpose. It is the duty of the appointing authority to see that the Governors behaved properly.

The suggestion that the Governor should ask the Assembly to elect its leader and appoint the leader so chosen as the Chief Minister is laudable and should be implemented.

## CENTRE-STATE RELATIONS

**Shri Morarji Desai, M.P. (Lok Sabha):** The question of Centre-State relations has not started only after 1967; it was even before although it did not assume a loud form because the same Party was governing at the Centre and in the States.

There cannot be two sovereignties in a country. There can be only one sovereignty and that can only be of the whole nation, that is, of the Centre. This is essential if integrity of the nation is to be preserved.

Our Constitution is federal in the sense that the States have been given autonomy within the sphere allotted to them and the Centre cannot interfere with the States so long as they function within the Constitution. But it is unitary in the sense that no State can get out of the Union and that has to be ensured by the Centre. This is the reason for incorporating Emergency provisions in the Constitution. These provisions were designed to enable the Centre to carry out its basic duty, namely to protect every State against external aggression and internal disturbances and to ensure that the Government of every State is carried on in accordance with the provisions of the Constitution.

Though the Constitution should not be considered 'so sacrosanct that it should not be amended at all,' it would not be proper to amend it very often as that will lead to instability in the minds of the people. After all, no Constitution can be perfect. Hence, as far as possible, changes should be sought to be secured by building up certain norms and conventions rather than by 'tinkering with the Constitution'.

Of the various aspects of Centre-State relations, financial relations are the most important. It is true that the tax-resources of the Centre are larger than those of the States. But the Centre has also larger spending obligations as it is responsible for defence, communications, foreign relations and for the proper industrial and economic development of the country as a whole. Moreover, the financial resources of the Centre are not exclusively for its own use, and have to be shared with the States. Progressively, more and more resources have been transferred from the Centre to the States on the recommendations of the Successive Finance Commissions. Similarly, large amounts have been made available to the State by way of Central assistance for Plan purposes. Taking everything into account, the scheme of Centre-State financial relations, as envisaged in the Constitution, does not seem to require any changes.

So far as Planning and Union-State relations are concerned, in the earlier years there was no regular system in regard to the distribution of Plan assistance among the States, and, that being so, there was some scope for favouritism in this matter. But now the distribution is done in accordance with principles laid down by the National Development Council. Moreover, to meet the objection that the pattern of Plan assistance had tended to interfere with the autonomy of the States in the sphere of planning, under the new scheme introduced recently, the States are now given lump sums for their Plan requirements and the number of Central Schemes has been cut down to the minimum.

Sometimes, States in order to draw larger assistance from the Centre inflate their own resources when their respective State Plans are taken up for finalisation. Subsequently, however, they do not actually provide the resources they had promised to raise and they insist on the Centre giving them additional assistance to fill the gap. This should not be allowed. On the other hand, if a State does not live up to its promises in the matter of raising resources, and if it does so deliberately, the quota of Central assistance that it had been promised on the basis of its earlier undertaking should be cut down *pro rata* according to its actual performance. This is the only way to induce among the States a sense of responsibility in financial matters.

**Shri E. M. S. Namboodiripad M. L. A. (Kerala):** There should be a strong Centre for the development of the nation, its economy, education, culture and polity. But the Union cannot be strengthened unless we go back to the old commonsense approach of Unity in diversity. Keeping in view the reality of India's diversity, there should be reconciliation between the aspirations of the people belonging to the different linguistic and cultural groups and the necessity for the preservation and strengthening of the country's unity. Attempts to steamroller a State or curb a State on the alleged ground that it is likely to disrupt and disintegrate the whole country will not strengthen the Centre.

In respect of the subjects allotted to the States by the Constitution, the States should be sovereign, 'Except to the extent that the particular way in which these subjects are handled by the States endangers national defence or something like that'. The Centre should not interfere in the State subjects. However, because of the control which the Centre has through the All India Services, through the financial provisions and for a long time through the party mechanism, "there has been a slow but increasing intrusion into the powers of the States" by the Centre.

**Shri Onkar Lal Bohra M.P. (Lok Sabha):** The existing tension in Centre-State relations is mainly attributable to economic disparities among the various States. As the assistance given by the Centre has been found to be inadequate in relation to the requirements of the under-developed and semi-developed States, there is a demand for making the States stronger. The changed political situation after the Fourth Elections with different parties holding power in different States as also the new urge for speedy economic progress and social and economic justice have also added to the strains in Centre-State relations. In the changed political conditions, the strength of the Centre—a strong Centre is, of course, essential for preserving the unity of the nation—can be maintained only if speedy measures are taken to fulfil the people's aspirations for economic development of their States and a better life for themselves.

**Shri N. G. Ranga, M.P. (Lok Sabha):** If the States "have gone wrong several times" on many occasions the Centre has also behaved "very badly towards the states". There must be some safeguards against the Centre's "misbehaviour or arrogance or anxiety to take upon itself more and more powers". Conflicts of interest and approach are bound to arise when two strong entities—the Centre and the States—face each other. The time has come to think of some suitable machinery to settle such conflicts.

The proper machinery for dealing with Centre-State disputes would be a kind of council at the Centre on which the States as well as the Centre would be represented and which may be presided over if the parties concerned agree, either by the Chief Justice of India or by the President himself or by someone whom the parties concerned themselves choose. Apart from the problems affecting Centre-State relations as may arise from time to time and finding reasonable solutions, the Council should also consider and have a say in matters such as the distribution of finances between the Centre and the States, development of backward areas, declaration of emergencies in States and the use of their powers by Governor.

**Shri G. S. Bhattacharyya, M.L.A. (Assam):** It is of the essence of a federal system that the Central Government as well as each State Government must have the power to raise independently financial resources necessary to perform their exclusive functions. If the State Government have to depend substantially upon the Central authority for finances, they might indirectly be deprived of their autonomy in other matters and thus the essential character of a federal constitution would be lost.



The taxes included in List 2 of our Constitution do not provide the States with resources sufficient to carry out the functions assigned to them with the result that the States "have to come to the Centre with a beggar's bowl". This situation has generated considerable dissatisfaction among the States. To strengthen the Centre it is imperative that the "root of this grumbling is removed".

A review of the existing system of financial relationship between the Centre and the States is called for to give the States a position that is self-respecting and at the same time consistent with a strong Centre concept.

The Planning Commission, being a body established by the Central Government under an executive order, lacks constitutional sanctity. If the Commission is to serve any purpose, it should not be made a hand-maid of the Central Government.

**Shri L. K. Advani, M.P. (Rajya Sabha):** The Constitution may be described as federal in form and structure but unitary in content.

Since we have accepted the federal form for normal times, it is essential that the States should be allowed to function as separate entities and completely free and "autonomous" in their respective spheres and the Centre should not interfere in their working. Interference by the Centre in the day-to-day administration of the States and attempts on its part to "topple" State Governments of a different political complexion are "certainly wrong" and have "contributed a great deal in disturbing the entire balance of Centre-State relations".

There is no need for setting up a new Constituent Assembly, as the existing constitutional provisions in regard to Centre-State relations, including distribution of powers between the Union and the States, are basically sound.

However, there is a need for revision of the existing financial relations between the Centre and the States. At present, because of Planning, the States are "completely dependent" on the Centre for their finances. It would contribute "to the strength of the State Units, and, therefore, to strengthen the whole country", if financial transfers to the States are effected on the basis of "assured devolutions" rather than through discretionary grants.

An Inter-State Council under Article 263 of the Constitution should also be set up. Since 1967, "all parties and sections of political opinion" have urged the need of setting up such a Council and

the Administrative Reforms Commission has also favoured the suggestion. There seems to be no reason why the Union Government is reluctant to accept the suggestion unless the position is that the Union Government wants its approach to the States and their problems to be "very conveniently moulded in accordance with the political exigencies or political expedience of the time".

**Shri S. Kandappan, M.P. (Lok Sabha):** Though the partition of the country and the atmosphere prevailing at the time of the framing of the Constitution did warrant the making of a Constitution which was more unitary than federal, it would be dangerous to ignore the existing realities. Today, people tend to identify themselves with their States and the people of the various States have different approaches to the problems of the day.

There appears to be a lacuna in Article 15 of the Constitution. That Article prohibits discrimination on grounds of religion, race, caste etc., but makes no mention of discrimination on the ground of language. Unless this lacuna is removed the people of Tamilnadu would continue to feel aggrieved that they do not have an equal partnership in the development of the nation.

Today, every State has a feeling that it is being neglected by the Centre. This "sense of aggrievement" is the real source of the troubles in Centre-State relations. Moreover, because of the habit that has grown all these years of dependence on the Centre, many of the States lack initiative, which in turn is the main cause of their continuing back-wardness. So there is need to have a new kind of financial arrangement that will bring about healthy competition among the States for the promotion of welfare activities.

Though subjects like Health, Agriculture and Education fall within the jurisdiction of the States, the Centre too has its Departments for dealing with these subjects. This duplication of Departments at the Central level and the creation of new All-India Services cannot but have a crippling effect on the initiative and efficiency of State administrations.

**Shri Ranbir Singh, M.P. (Lok Sabha):** The time has come for calling a new Constituent Assembly to frame a new Constitution for India. The present Constitution bears the impress of the political situation existing at the time of its framing. The political conditions today are very different. Moreover, in the Constitution as it was

framed, certain matters of detail were left to be regulated by conventions. In actual practice, however, there has been no uniformity in these matters. For example, the constitutional provisions relating to the summoning and prorogation of the State Legislatures have been so interpreted as to result in wide difference in practice in different States. In the light of experience, it seems essential that even minor matters should be governed by specific provisions in the Constitution. This also holds good for financial and other matters concerning Centre-State relations.

**Shri Jyotirmoy Bosu, M.P. (Lok Sabha):** Recently, the use of the Central Reserve Police (C.R.P.) has caused serious misunderstandings between the Centre and the States. The maintenance of a police force by the Central Government for the use in the States is "absolutely unconstitutional and illegal".

The expression "any other armed forces" in Entry 2 of the Union List cannot include the civil police force. "Police" being entirely a State subject, the Central Government has no authority to confer any power of a police officer on any member of the C.R.P. so far as the States are concerned. Hence, the Central Reserve Police Force Act, 1949, is *ultra vires* of the Central Legislature and is inoperative so far as the States are concerned. That being so, the C.R.P. cannot be invested with power to launch prosecutions without reference to the State Governments, nor can it be used even for the limited purpose of guarding the properties of the Centre in the States.

**Shri Dalip Singh Pandhi, M.L.A. (Punjab):** The States should be given more powers in financial matters. Further, to make for cordial Centre-State relations, there should be a permanent Commission to regulate financial assistance from the Centre to the States, in which the State Governments should be given due representation.

Use of the C.R.P. or the military in the States without the permission of the concerned Chief Minister, is illegal. Such interference in the affairs of the State amounts to an infringement of the rights of the people. It is necessary to amend the Constitution to ensure that the Centre does not interfere in the affairs of the States.

**Shri Yashwant Singh Nahar, M.L.A. (Rajasthan):** In view of growing volume of the States' outstanding debts to the Centre the question arises as to how "such indebted" State Governments can run their own business, that is, maintain their Constitutional autonomy.

**Shri Bhupesh Gupta, M.P. (Rajya Sabha):** The existing constitutional structure is "an opportunist compromise between demands of federalism and pressures of unitarism". Underlying its scheme of Centre-State relations was "the concept of power by the Congress Party: the concept of power by one class, the capitalist class". As the monopoly of power has been broken and other forces, the working people, want to share the power, the time has come for a refashioning of the entire scheme.

The concept of a strong Centre can be accepted in so far as it means that the strength of the Centre "arises from the voluntary acceptance" by the States, but not if it means that the Centre would be a "steam-rolling institution to curb the power and autonomy of the States".

There should be a re-allocation of financial powers so that the States can tap the revenue-yielding sources which are at present under the exclusive control of the Centre. Only in this way can the States be freed from the need "to come to the Centre to beg for money".

The Governor's post should be abolished and alternative arrangements should be made "to fulfil certain constitutional formalities and so on".

**Shri T. Kikon, Minister of Law and Parliamentary Affairs (Nagaland):** Nagaland has a rather peculiar relationship with the Union Government. Article 371A(1) (b) of the Constitution vests the Governor of Nagaland with special responsibility with respect to law and order so long as there are internal disturbances in that State and provides that "in the discharge of his functions in relation thereto the Governor shall, after consulting the Council of Ministers, exercise his individual judgment as to the action to be taken". A State Government cannot function properly if it does not have powers about law and order. Therefore, it is high time that this power of the Governor of Nagaland is taken away.

The present arrangement whereunder there is a single Governor for Assam, Nagaland, Meghalaya, and NEFA is unsatisfactory. In the first place it results in the Governor's attention being divided. Secondly, as there are boundary disputes between Assam and Nagaland, the Governor is placed in an awkward position. The anomaly should be removed.

**Shri Rabi Ray, M.P. (Lok Sabha):** Unless the principle of decentralisation is accepted and suitably embodied in the Constitution, we can neither have national unity in the real sense nor can we bring about the necessary social changes. In order to establish a direct link between the people living in the villages and the Administration, the present two-tier system of government should be replaced by a four-tier system consisting of the Central Government, the State Government and corresponding institutions at the district and village levels.

During the last 20—22 years it has been seen that the Central Government does not concede even legitimate popular demands unless the people back-up their demands by violent agitations. This attitude of the Centre has generated a feeling among the people that nothing can be achieved without recourse to violence and has done more harm to the concept of India's unity than anything else.

**Shri Raj Kumar Kamaljit Singh, M.L.A. (Tripura):** Under the existing constitutional arrangements the people of the Union Territories—they number about a crore— do not have full democratic rights which their fellow countrymen, living in the States enjoy. It should be considered as to how the people of the Union Territories can be accorded a status of equality with the rest of their countrymen in regard to the rights of citizenship.

**Shri Banka Behary Das, M.P. (Rajya Sabha):** The provisions made in the Constitution in regard to Centre-State relations have not been given a fair trial. Not only the spirit of the provisions has been violated and the Centre has always tried to make inroads into the powers of the States, but some of the provisions have not been implemented at all. For instance, an Inter-State Council, as envisaged in Article 263, has not been set up so far. In view of the strains and stresses that have developed between the Centre and the States, especially after the Fourth General Elections, such a Council should be established immediately so that all the disputes that arise between the Centre and the States can be resolved to the satisfaction of both the sides.

At present, even in the allocation of resources between the various States, "politics comes into existence" in so far as the allocation is done by the Planning Commission or the Union Finance Ministry. In order that a certain amount of impartiality can be brought to bear

in the allocation of resources, we should have a permanent Finance Commission which would take into account both the Budgetary and the Plan requirements of the States.

**Shri Vasudev, Dy Speaker, U.P. Legislative Assembly:** There is a feeling that the Centre's attitude towards the States *inter se* is discriminatory. This feeling poses a grave danger to national unity. The solution lies in maximum political decentralisation without which democracy cannot thrive in the country. There is, therefore, an urgent need for re-structuring Centre-State relations.

**Dr. K. Matheu Kurian, M.P. (Rajya Sabha):** The problem of Centre-State relations cannot be solved without solving the problem of growing economic imbalance between the Union and the States on the one hand and between the States *inter se* on the other. Increasing concentration and imbalance are inherent in the "outright capitalist feudal society" that "we have created during the last 19 years of Indian Planning". The basic problem of imbalance of powers and functions between the Centre and the States cannot be solved "by marginal and peripheral thinking on the Constitution". The only permanent solution of Centre-State relations is "to radically alter the Constitution", change the economic policies of the Government and "march towards a new United India, based on socialism and economic advancement".

With its elastic sources of revenue and increasing resources the Central Government has been entering even those fields (*e.g.* Agriculture) which under the Constitution belong to the States, and has thus been arrogating to itself powers which really do not belong to it.

**Shri Dharamvir Singh, M.L.A. (Bihar):** The States should be given a bigger share of resources or taxation powers, as their existing powers to raise resources are inadequate for meeting their responsibilities, which include, *inter alia*, agricultural development, irrigation, education and labour.

**Shrimati Chandravati, M.L.A. (Haryana):** So far Centre-State relations in our country have not been regulated on the basis of the relevant provisions of the Constitution, but have been dominated by personal equations: To place Centre-State relationship on an even keel, it is very necessary to implement the Constitution faithfully.

At present, it is seen that many things which should be done at the district level are done at the State level, while matters which should properly be dealt with at the State level are, in fact, handled by the Centre. To remove this anomaly, the division of powers, laid down in the Constitution, should be observed and adhered to both by the Centre and the States.

**Shri Ram Narain Chaudhari, M.L.A. (Rajasthan):** The respective rights and responsibilities of the Centre and the States are clearly defined in the Constitution. The present disputes and tensions between the Centre and the States are attributable not to the Constitutional provisions concerning Centre-State relations but to the clash of ideas and interests between the working class and the vested interests.

The I.A.S. and the I.P.S. are a great impediment in the development of healthy Centre-State relations. Officers of these services function as agents of the Central Government and are, to a considerable extent, responsible for creating differences and misunderstandings between the Centre and the States. The State Governments should dispense with these officers and they should be absorbed by the Central Government in its own departments.

The Governors also play a crucial role in Centre-State relations. Unfortunately, they do not always take a correct view of their constitutional responsibilities and duties.

**Shri Shri Chand Goyal, M.P. (Lok Sabha):** The institution of the Governor is of great importance in the maintenance of good relations between the Centre and the States. Since we expect from the Governor an objective and dispassionate approach and a thorough knowledge of the Constitution and that he should be a man of proved integrity, to meet all these requirements it is worthwhile to consider the suggestion that a list should be prepared of Supreme Court Judges and they should be appointed to the posts of Governors in order of seniority. The charge will then not come upon the Central Government that it is appointing Governors on considerations of political expediency.

During the last twenty years, the Central Government has been treating the State Governments like Municipal Corporations. This approach should go and the States should be enabled to feel that the financial transfers due to them are theirs by right.

The Finance Commission's scope should be widened to include, besides devolution of certain taxes and grants-in-aid (which are within its purview even at present), financial assistance by other methods also. Further, the Commission "should be given a statutory position so that its recommendations should be accepted *in toto*. A re-appraisal should be made of the financial relations between the States and the Centre. The needs of the various States should have to be taken into account and all decisions taken on merits.

**Shri Tenneti Viswanatham, M.P. (Lok Sabha):** The real source of the trouble in Centre-State relations lies not in any inherent defects in the Constitution but in the Centre's attitude of superiority towards the States. The Centre has not been treating the States as "co-partners in a joint effort for the rebuilding of this nation", but rather as "beggars at the doors". It is this attitude that is responsible for the gradual generation of the agitational approach on the part of the States.

The Central Government should change its attitude towards the States and take other appropriate steps before the States' feeling of being aggrieved grows into greater dimensions so as to endanger the unity and integrity of the nation. And for resolving Centre-State differences it is high time that the constitutional provision for an Inter-State Council should be implemented.

While it is true that there is only one Sovereign Government in India, the States too, have their 'Sovereignty' or 'autonomy' within the spheres allotted to them under the Constitution. But the autonomy of the States is being eroded by the Centre through the use of its "money power". The Centre not only has the "sources of resilient taxation" it has also exclusive control over currency and coinage. It must use this "power of printing and minting" for the benefit of the entire country.

**Shri R. D. Bhandare, M.P. (Lok Sabha):** In considering Centre-State relations we have to take into account not only the Constitutional aspects but also the "extra-constitutional" or conventional relationship that has developed. For instance, it is of practical significance that in the National Development Council we have a forum where the Chief Ministers of different States meet from time to time to "thrash out certain problems which trouble them and find out certain solutions". Similarly, in the Planning Commission representative of the States "take part at the discussion level in thrashing out... the economic programme for the development of their States."



Some voices have been raised against the Planning Commission in order to accelerate the process of development of the country as a whole. We must have planning on a national scale. There must be a Central institution like the Planning Commission, in which all can meet and discuss the regional imbalances and the different economic problems of different States and draft a Plan to take care of the economic and social development of the country as a whole.

**Mr. Chairman (Shri Khobragade) Dy. Chairman, Rajya Sabha:** As compared to the Centre, the States have "relatively less resources" although the responsibility for implementing developmental and welfare schemes devolves mainly upon the State Governments. Naturally, the States "clamour for more resources" and there is friction between the Union and the States.

The trend all the world over is for concentration of greater powers in the Centre. And, in the conditions of India, the objective of all political leaders and statesmen should be to achieve from the country's diversity "national and emotional unity and integration". If this aspect is kept in view then no one "would grudge to give greater powers to the Union Government".

It is not important how good or bad the Constitution is. Ultimately, the success of the Constitution and democracy would depend on the people, on the statesmen and the politicians who have to work this Constitution and preside over the destiny of this great nation. Therefore, instead of finding fault with the Constitution, we would be sincere and earnest in our efforts to work it and to strive for national unity, national integration and national progress in every sphere of our life.

**SPEAKER—A PLEA FOR NON-PARTY STATUS**

**—D. K. Kunte**

The office of the Speaker is a unique institution developed over a period of 700 years in the British Parliamentary System. We in India have adopted the same along with the Parliamentary System. It will be interesting to see how far we have tried to copy it faithfully.

Though it was as early as 1861 that legislatures of some sort were introduced in our country, it was only in 1921 that India had the first Speaker in Sir Frederick Whyte. The Central Legislative Assembly was brought into existence under the Montagu-Chelmsford Reforms and Sir Frederick Whyte was made the first Speaker. He made a conscious effort to introduce the practices of the British Parliament. After his term was over, the Speaker was to be elected by the House and Shri Vithalbhai Patel was elected to that office, defeating the nominee of the Government. On his election to the office of the Speaker, Shri Vithalbhai Patel announced in the House: "In the discharge of my duties I shall, I assure you, observe strict impartiality in dealing with all sections of the House, irrespective of Party Consideration". Mr. Jinnah exhorted him to hold the scales even and expressed the sanguine hope that there would be fair play in the House so long as he presided over the House. The Finance Member said, "It is the duty of the Chair to protect the minorities and secure the exercise of the right to the expression of opinion, however unpopular those may be". Shri Vithalbhai Patel lived up to the assurance that he gave to the House. He immediately resigned from his Party and became a 'no-party man'. He very jealously guarded the privileges of the House and enhanced the status of the office of the Speaker. He was able to make his Secretariat independent of the Government. His impartiality was appreciated by all, with the result that he was elected to the House after the end of his first term as an independent member and was elected to the office of the Speaker unopposed.

The traditions laid down by him were more or less followed by those who came after him. Sir Ibrahim Rahimtoola, one of his successors, said that he would be judiciously impartial on each and every occasion.

The Simon Commission in its report mentioned: "There have been striking instances in the provinces of the impartiality of elected Presidents previously belonging to a party in opposition to Government".

Shri G. V. Mavalankar, the first Speaker of the House after Independence, maintained their traditions of impartiality but he departed from Shri Vithalbhai Patel in that he did not resign from the Party membership. He thought it proper to declare and affirm his party attachment. He said: "I consider it necessary to say a few words about the non-party character of the Speaker in view of the practice in England. The position of the English Speaker is a matter of historical growth and it has been established at the end of the centuries of struggle of the Commons for Independence. Its evolution to the present stage has taken place after the establishment of the full authority of the Commons. The position is undoubtedly an ideal one provided it is accompanied by the other essential corollaries of democracy. While, therefore, I shall always strive for the establishment of that ideal, it is obviously not possible in the present conditions of our political and parliamentary life to remain as insular as the English Speaker so far as political life goes. But the Indian Speaker acting as such will be absolutely a non-party man, meaning thereby that he keeps aloof from party deliberations and controversies. He does not cease to be a politician merely by the fact of his being a Speaker. . . . From this point of view as also from moorings in the past I cannot be out of that great organisation — the Indian National Congress under whose banner I have had the privilege of serving in one capacity or another for the last forty years. I, therefore, continue to be a Congressman. . . . though a Congressman, it would be my duty and effort to deal with all members and sections of the House with justice and equality and it would be my duty to be impartial and remain above all considerations of Party or of political career". He further said: "The rights and privileges of Members will always be my first concern and I shall try my best to so conduct myself as to maintain the best traditions of democratic institutions".

It would have been a great thing if Shri Mavalankar had resigned his membership of the Indian National Congress and declared himself as belonging to no political party. It is no doubt true that it was difficult to snap the party ties of forty years, but there is something more than that. One cannot be very sure if he had taken this stand it would have been fully supported by Shri Jawaharlal Nehru.

At the first post-independent Presiding Officers' Conference at Indore, Shri Mavalankar strictly advised the Presiding Officers to try

to be most impartial. On that occasion while participating in the discussions as Speaker of the Bombay Legislative Assembly, I raised a question as to whether the Speaker could be completely free and impartial, as long as the other essential corollaries, such as his election to the House at the expiry of his term and also his position as Speaker were not in jeopardy. I referred to an occurrence in 1952, when the person who was a successful Speaker of the Madhya Pradesh Assembly from 1937 to 1939 and again from 1946 to 1952, who was again elected to the State Legislature with the active consent of the party in power, was superseded and someone else was made the Speaker. After the Gwalior meeting \*Shri Mavalankar did take up the matter with Shri Jawaharlal Nehru. The matter must have been also considered by the Congress Working Committee, as Shri Mavalankar reported back that the Working Committee did not think that the concurrence of the other political parties was possible to obtain. This is something which cannot be ignored. Since 1952 to 1967, the Congress has been the ruling party both at the Centre and in the States. It would have been easy for the Congress to lay down the tradition of the non-party status of the Speaker, by first asking the Speakers elected by its Party to resign from the Party; secondly to help them in their elections to Legislatures as independent Members and after such an election to elect them as Speakers. The question of concurrence of other political parties was not a serious matter then and, therefore, one has to come to the conclusion that the Congress, for one reason or other was not ready for such a situation. This seems to be the only conclusion that one can draw, in spite of the fact that while unveiling a portrait of Shri Vithalbhai Patel, Shri Jawaharlal Nehru said that the Speaker represents the House, he represents the dignity of the House, the freedom of the House and because the House represents the Nation, in a particular way, the Speaker becomes the symbol of the Nation's freedom and liberty.

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\*The Conference of Presiding Officers held at Gwalior in 1953 adopted a resolution to the effect that a convention should be established whereby the seat from which the Speaker stands for re-election is not contested, and steps for making a beginning in that direction may be pressed upon the Government by the Chairman of the Conference. The Chairman (Shri G. V. Mavalankar) took up the matter with the Congress President (Shri Jawaharlal Nehru). The Congress Working Committee considered the matter and sent a communication to Shri Mavalankar which was reported back to the Conference of Presiding Officers held at Srinagar in 1954.

## THE LIGHTER SIDE OF PARLIAMENTARY PROCEEDINGS

A. Shanker Reddy,

Secretary, Andhra Pradesh Legislature

Parliamentary bodies in a democracy are the guardians of the destiny of the nation. The financial control they exercise, the supervision they carry out over the governmental activities and the laws they enact have far reaching effect not only on the contemporary times but also in the future. The proceedings of such august bodies are, of course, to be marked by dignity and decorum. But the concern for dignity and decorum of the House does not mean that the Members should be deprived of their sense of humour. There is always a lighter side to the proceedings which is beneficial in several ways. First, it removes the monotony for Members who sit for long hours. Secondly, in the Legislature which is a place of acute controversies and sometimes of heated exchanges, the lighter touch has its salutary effect on the general atmosphere in the House. Once in a Legislature when a fairly heated discussion was going on on what was known as "Silent Valley Forest", a Member got up and made a humorous remark, "Where is that Silent Valley Forest, Sir, which is creating so much noise here?", which drowned the whole House in laughter.

### *Witty Sallies*

There are always some Members whose humorous remarks add spice to the proceedings and enliven the debates. The sting of their sarcasm is a cause of agony to the opponent but a source of delight to the rest. The late Dr. C. Ramalinga Reddy was as outstanding a parliamentarian as he was a writer and an educationist. The speech he made in the Madras Legislative Council denouncing the Rajya of Panagal Ministry, then in power, is considered to be a masterpiece in political oratory. In the course of this speech, he said, that if the people had any attachment towards the Ministry it was due to the appointments it made and if there was any detachment it was due to the disappointments people suffered at its hands. The remark made by the late Sir Winston Churchill when a Member of his Party left it to join the Labour Party was equally pungent. "This is the first time", he said, "I have ever heard of a rat swimming towards a sinking ship".

Not all the humorous remarks contain mutual recriminations. Recently when a Member asked the Chief Minister to introduce his large team of Ministers to the House, which was strongly supported by the Leader of the Opposition, the Chief Minister remarked amidst laughter that the best way to know all of them was for the Opposition Leader to invite them for a dinner. On a different occasion another Member expressed his own difficulties in a telling way when he said that he had to serve three husbands *viz.*, his constituency which expected him to satisfy its requirements, the Speaker whose eye he had to catch to ventilate the grievances of his electorate and the Party Leader who had to sympathetically consider his claim to speak in the House.

### *Rapartee*

Just as any thing of beauty is a joy for ever, any decent joke is a source of delight to the hearers, but repartee has a special charm of its own. Though Sir Edward Sullivan might have described it as an artless art, it is a priceless gift for any parliamentarian. In this respect very few can be compared to the late Shri S. Satyamurty, a member of the old Central Legislative Assembly. When a Member of the Viceroy's Executive Council said "I suspected that this was for catching votes", he promptly got up and retorted: "In democracy we believe in catching votes and not in catching the tails of Governors and Viceroy's". Equally brilliant was his reply to Sir Harry Craik, the then Home Member to the Government of India, who asserted that the cellular jail at Port Blair (Andamans) was a 'Prisoner's Paradise'. Satyamurty immediately asked if in view of the Home Member's description of Port Blair, the Government of India intended to change their summer headquarters from Simla to Port Blair. The entire House, including Sir Harry Craik, roared with laughter.

When Members make comments in the House, they naturally expect the Ministers to cover all the points in the course of their reply to the debate. When such a demand came from a Member that a reply may be given to her point, the concerned Minister stated: "Your point is like a point in Geometry—without length, breadth and depth".

The exchanges between Sir Winston Churchill and Mr. Bevan were of the most unsparing type. While Sir Winston called Mr. Bevan 'a merchant of discourtesy', 'latest Welsh product' and a 'Minister of Disease requiring psychiatric treatment', Mr. Bevan described Sir Winston as 'the entertainer of the House of Commons', 'a political chameleon' and 'the bogey man of the country'.

When Mr. Bevan was criticised for his articles criticizing the British Government at a time when it was engaged in delicate negotiations, Mr. Bevan retaliated by referring to Sir Winston's articles in foreign newspapers against Baldwin and Chamberlain Governments and Lord Randolph Churchill's attacks on British policy in Egypt in the last country.

Mr. Bevan (Labour): This criticism of his father against British policy in Egypt was uttered when there was fighting in Egypt.

THE PRIME MINISTER: The right hon. Gentleman has hitherto been trying to hide behind me. Now I gather he is endeavouring to hide behind my father. I am sure we can both take care of ourselves.\*

It was the unique glory of Mr. Churchill that he retained the capacity for brilliant repartee till the end of his parliamentary career. A Member asked "Is the Prime Minister aware that there is a strong feeling in Scotland about the Oath being taken to a Queen Elizabeth II on the ground of historical inaccuracy? In view of his great claim to historical accuracy himself, will he not do something to meet this very strong resentment in Scotland?"

Mr. Churchill's reply was: "I shall be very glad to hear from the Hon. Member if he will put his Question in the pillar-box".

This raised such a laughter that indignant Scotsmen began blowing up pillar-boxes with objectionable inscription on them.

### *Poetry Recitals*

Not only repartee but also poetry is harnessed by some Members to express themselves, and the poetical and political aspects of life seem to have quite close kinship. In Lok Sabha when a Member was expressing her views through a poem, penned by her, another Member raised a point of order through a couplet. Not only Poetry but also popular Hindi tunes like "Bol Radha Bol Sangam" were quoted by Members.

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\*Hanard, 17 Dec., 1953, Col. 610.

*Malapropism*

Faulty expressions and malapropisms always provide an interlude of unintended humour in the House. A British parliamentarian once used the term 'an empty theatre of unsympathetic auditors'†, while his Indian counterpart described an eminent medical stalwart as a 'veterinary doctor and the master of the art of surgery' intending, of course, to say that he was a veteran doctor. This kind of humour resulting from the use of words is not peculiar to India, because when Smt. Sirimavo Bandaranaike said in Ceylon's House of Representatives that she had a proposal to make, the then Prime Minister Mr. Dudley Senanayake, a chronic bachelor, asked in mock surprise "A proposal?" She replied, "Oh, not that kind. It is now too late for that".

The statement of a Chief Minister that the Government had placed an order with a contractor to supply housewives at the rate of Rs. 1.52 each, so much non-plussed the Members that some wondered whether it was a printing error. The wonder was intensified when the Chief Minister affirmed that it was not a printing error, but the wonder had to give place to laughter when the Chief Minister explained that "Housewife" is the trade name of a knitting set containing needles, buttons, and the like. The payment of Mohni allowances was the subject of interesting discussion in the Madras Assembly, in the course of which one of the Members wanted to know whether allowances were paid in the name of other celestial beauties like Ramba and Urvasi.

*Question-hour Humour*

Question Hour is the time during which we come across the exchange of witty sallies more frequently than during any other time. Many outstanding parliamentarians prove their mettle during this hour. A classic reply to a supplementary was furnished by an I.C.S. Officer on the floor of the old Central Legislature. The question was about a dignitary who took his own wife as his Private Secretary during his tours abroad as a representative of the Government. After the main question was answered a supplementary was put whether her presence during the tour was a necessity or a convenience. Prompt came the reply: "As a wife she is a necessity and as a secretary she is a convenience" which sent the entire House into roaring laughter.

*Need for Parliamentary Etiquette*

No parliamentary body can allow any and every observation in the House simply because of its entertainment value. The Chair takes ex-

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†Intending to use the word "audience".



ception and other Members also object to any statement which is not in good taste. In such cases the Chair may direct the concerned Member to withdraw the same or may order the expunction of those expressions from the proceedings. Hasty generalisations about any group are discouraged. Shri Ananthasayanam Iyengar, then Speaker of Lok Sabha, ruled "Hereafter proverbs relating to the peculiarities of women, particularly about their conduct or harshness shall not be quoted in this House". So far as unparliamentary expressions are concerned, the Speaker of Kerala Assembly was recently pointing out that his problem was the lack of an authoritative handbook to decide which words were parliamentary and which unparliamentary. But there will be some seasoned persons who will be capable of using the most unparliamentary words in a parliamentary way. An eminent parliamentarian intended to say that what the then Commander-in-Chief had stated was a lie. As the statement in that form would have been objected to, he stated in a roundabout way, "Had the statement been made by any one other than the Commander-in-Chief of India, I would have called it a tissue of falsehood". Sometimes parliamentarians who seem to be on the verge of using an unparliamentary expression suddenly retrace and give a surprise to the House. Mr. Churchill began a speech with the words "I hesitate to cast pearls before . . ." Anticipating the end of the famous quotation the Labour Party Members raised an uproar. Twice or thrice he began, and there was repeated uproar. He finally completed the sentence with the words "before those who cannot appreciate them". The opponents naturally looked small because the sentence which started so provocatively ended so innocuously.

### *Practical Jokes*

There are also situations in parliamentary history when practical jokes against Members have caused peculiar situations. Two junior advocates who subsequently rose to be eminent lawyers and statesmen were frequent visitors to the old U.P. Legislative Council meetings. One day they wanted to have fun at the expense of a Raja who was a non-official Member. While one of them kept the Raja engaged in conversation the other pulled out from the Raja's pocket the typescript of the speech he was to make that day. Subsequently when the Raja was called upon to speak by the Governor, who in those days used to preside over the Legislature meetings, he searched and searched all his pockets only to find them empty, saying "Kho Gaya, Huzoor" (It is lost, Your Excellency).

*Conduct in the House*

Parliamentary bodies always forbid certain actions on the part of their Members. Smoking and reading in the House are disfavoured. In one of the Legislatures, chewing while speaking was decided to be objectionable, on a point of order raised that the concerned Member was not audible as he was chewing betels. Incidents pertaining to all these and particularly to sleeping lead to very interesting situations in the House. When a Member of the House of Commons raised a point of order about the slumber of another Member, quick came the retort from the latter, "The Rt. Hon. gentleman is unable to distinguish between repose and reflection". Another instance of sleeping in the House was that pertaining to Lord North, a former Prime Minister of England who used to sleep in the House, leaving it to Sir Grey Cooper to take notes. One day there was a tedious speech from a Member on ship-building, in which the Member was tracing the progress of ship-building from the days of Noah's Ark. When he reached the time of the Spanish Armada, Sir Grey Cooper inadvertently awoke his chief, who on hearing that the Member was still in the age of Queen Elizabeth said: "Dear me, Why not let me sleep a century or two more" and resumed his broken sleep again. It was also out of order to snuff in the House, but Joseph Chamberlain had his own way of overcoming that restriction—whenever he intended to have a pinch of snuff he would throw down his kerchief and leaning to pick it up he used to have his pinch unnoticed.

*Conclusion*

The reports of the Legislatures of our country both at the Centre and in the States are replete with several witty epigrams, memorable jokes and humorous incidents. Sometimes one humorous incident leads to another peculiar episode. On one occasion one of the occupants in the Press gallery laughed so loudly over a joke that his false teeth dropped down on no less a person than the Member who was in the Speaker's chair. All these incidents, embedded as they are in the old reports of the Legislatures and the old files of the newspapers, are not easily accessible to many. If any compilation of the same is prepared, it is bound to be very interesting and instructive.

*Humour's the true democracy*

— R. U. Johnson.

# IMPACT OF FINANCIAL COMMITTEES' RECOMMENDATIONS ON ADMINISTRATION

## REPORTS OF PUBLIC ACCOUNTS COMMITTEE (FOURTH LOK SABHA)

*[With the last issue (April, 1970) of the Journal we commenced a new series of articles highlighting the impact of the Financial Committees of Parliament on the Administration. We published three articles, which were in the nature of a study of some of the important recommendations of the Public Accounts Committee concerning (i) Direct taxes; (ii) Defence Services; and (iii) Railways. In this issue we include articles dealing with the recommendations of the Public Accounts Committee on:*

- (i) *Purchase of Road Rollers*
- (ii) *Wasteful Expenditure on Government Publications*
- (iii) *"New Service"/"New Instruments of Service".*

— Editor]

### (i) PURCHASE OF ROAD ROLLERS

#### **Deterrent Action against fraudulent Suppliers**

The Directorate General of Supplies and Disposals placed orders for the purchase of 1,229 road rollers on an unregistered firm without verification of its financial standing or production capacity and without insisting on a security deposit. The Department of Supply also relaxed the terms of payment allowing the firm to draw 90 per cent advance payment merely on inspection of stores. The firm took advantage of the situation, drew advance payments on proof of inspection but delayed the despatch of road rollers. Between July 1963 and September, 1966 the firm drew advance payments to the tune of about Rs. 1.85 crores against 403 road rollers which they did not deliver out of which 391 road rollers did not exist at all. Commenting on the behaviour of the firm the Public Accounts Committee observed:

"Having approached Government and secured a relaxation in the terms of payment very much to their advantage on the plea that this would enable them to increase production,

they did not utilise the advances for the purposes intended and indulged in even greater delays in delivery than before the concessions were made".

"The firm went further and obtained payments on the basis of false Railway Receipts. In another case the road rollers were actually delivered by road after two years of the declared date of despatch by rail in the advance payment bill. In one case they sent only accessories instead of road rollers as mentioned in the Railways Receipt. There are 19 reported cases where 4 cylinder engines in the road rollers were replaced by 3 cylinder engines".<sup>1</sup>

The Committee were informed that departmental instructions had been issued prohibiting further business with the firm or its associates. The Committee did not consider this "adequate". They recommended that most expeditious action should be taken to ensure that the firm did not dissipate their assets or pass funds on to their associate companies. The Committee also expressed the hope that Government would complete the investigations and take strict action against the firm so that it might act as a deterrent.<sup>1</sup>

Subsequently, the Committee were informed that the matter was being investigated by the Central Bureau of Investigation (C.B.I.), and that further action against the firm would be taken on receipt of their report. The Committee, however, expressed their dissatisfaction over the progress made in the case by the C.B.I. and urged that the case should have been investigated with the utmost expedition and finalised without delay.

In the course of their discussions with the representatives of the Department of Supply, the Committee further pointed out that the criminal conduct of the party should also be looked into. They recommended:

"As Government are responsible for maintaining the highest traditions of integrity and public conduct, it is their foremost duty to ascertain whether any fraudulent practices liable to criminal proceedings have been committed and to spare no efforts to bring the guilty to book as a deterrent to others".<sup>2</sup>

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<sup>1</sup>First Report of P.A.C. (4th L.S.), Paras 8.5 & 8.8.

<sup>2</sup>Twenty-eighth Report of P.A.C. (4th L.S.), para 1.19.

In December 1968, the Committee were informed that in pursuance of their recommendations arrangements for supply of road rollers by the Company had been terminated and Government had filed in a Court of law complaints against the Directors and Employees of the firm about the fraudulent practices adopted in this case. The case was pending trial.

The Committee desired that the prosecution should be vigorously pursued so as to bring to book all those who had been found responsible for defrauding Government.<sup>3</sup>

### **Measures to safeguard financial interests of Government**

In connection with advance payment of Rs. 1.85 crores to the firm on which interest worked out to Rs. 29 lakhs as on 31st December 1966, the Department of Supply apprised the Committee of various steps taken by them to obtain the supplies and/or refund of the over payment, which included:

- (i) reference of the case to the Central Bureau of Investigation;
- (ii) requesting the Reserve Bank of India to disallow remittances by the firm to other countries; and
- (iii) initiation of arbitration proceedings against the firm in respect of outstanding road rollers.

It was added that the firm had made certain offers on the condition that no action should be taken against them, but this request was not accepted by the Government. The Public Accounts Committee expressed the hope that "Government will ensure that a prompt and thorough investigation is made by the Department of Company Affairs, the Central Bureau of Investigation and the Department of Supply, in close co-ordination with one another, to ascertain the assets of the firm in question and to suggest concerted measures to safeguard the Government's financial interests. Government should also consider urgently the question of taking possession of the assets of the firm to ensure that these are not in any way dissipated. The Committee would in particular like the Government to go into the question of accounts of the firm after December 1965".<sup>4</sup>

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<sup>3</sup>Eightieth Report of P.A.C. (4th L.S. ), Para 1.14.

<sup>4</sup>First Report of P.A.C. (4th L.S.), para 6.26.

Subsequently, the Committee were informed that the firm had offered to supply road rollers in instalments and that, as a token of their *bonafides* they had submitted to Government shares of the aggregate face value of Rs. 20 lakhs pertaining to allied concerns.

While expressing the hope that Government would take proper care to safeguard public interest, the Public Accounts Committee sounded a note of caution and desired that the following aspects should be kept in view while taking a decision on the offer of the firm:<sup>3</sup>

- (i) The legal implications of the proposal made by the firm.
- (ii) The effect that such an arrangement would have on the suits filed by Government and on the launching of criminal proceedings against the firm or relevant individuals in a court of law, particularly when it is understood that investigation in seven cases have almost been finalised.
- (iii) Whether the requirement of road rollers by the indentors still holds good and how far these road rollers to be supplied by the firm will meet requirements, particularly in view of the past-experience of defective rollers supplied by the firm and the reported poor after sale-service.
- (iv) The implications of the acceptance of road rollers offered by the firm on the extension of the date of delivery of contracts, the recovery of interest charges on the advance retained by the firm and the recovery of damages on account of losses (actual or potential) suffered by the indentors on account of delay/non-supply of road rollers.
- (v) Whether acceptance of the proposal may enable the firm to misrepresent the position either to the other Ministries of Government of India or to State Governments or Statutory autonomous authorities.
- (vi) The present Intrinsic value and the genuineness of the shares offered by the firm as a security.
- (vii) An examination of the lien on the amount of Rs. 20 lakhs for the purchase of shares out of Rs 50 lakhs advanced by the company in advance of the allotment of the same by Assam Sillimanite Limited.

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<sup>3</sup>Twenty-eighth Report of P.A.C. (4th L.S.), Para 1.36.

- (viii) Whether the firm will be in a position to fulfil their promise to supply road rollers in the light of their past performance.
- (ix) Its impact on the request made by the firm for permission to purchase shares of the Indo-Burma Petroleum Co. Ltd. at a time when the firm have not paid back the advance of Rs. 1.85 crores unauthorisedly drawn by them and interest thereon either in cash or by the supply of road rollers.

The Committee also expressed their disappointment to note that Government had no clear idea about the manner in which the amount of advance payment received by the firm had been disposed of.

In pursuance of the Committee's recommendations the proposed arrangement for the supply of outstanding road rollers in instalments was reviewed. In view of the inability of the firm to complete various preliminaries, the nature and intrinsic value of the security offered and their omission to make the instalment monthly deliveries, Government did not consider it in the public interest to proceed with the proposed arrangement. Meanwhile, on an application filed by certain creditors the Calcutta High Court passed orders for winding up of the firm and appointment of official liquidator.

The Public Accounts Committee in their 80th Report (April, 1969) expressed the hope that Government would press their claim with the official liquidator so as to effect the maximum recovery possible.

The Committee also desired Government to examine whether their claims could not be enforced against other allied concerns or Directors of the Company.<sup>6</sup>

In regard to the verification of the accounts of the firm the Committee were informed that inspection of the account books and records of the firm was taken up by the Department of Company Affairs but the books made available to them were not complete. There was no audited balance sheet after 1965. It was stated that necessary action for prosecution in respect of defaults for non-filing of balance sheets had already been initiated by the Registrar of Companies. The Committee were also informed that the representative of the firm was once

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<sup>6</sup>Eightieth Report of P.A.C. (4th L.S.), Paras 1.22 & 1.23.

asked to file an affidavit about the assets of the firm but this was not followed up in view of the various proceedings pending in the Courts.

In their 80th Report the Committee further observed<sup>7</sup>:

The Committee consider that it is of the utmost importance to ascertain how the amount of Rs. 1.85 crores overdrawn fraudulently by the firm has been disposed of by them. The Committee suggest that Government should use all available agencies including the Central Bureau of Investigation to thoroughly probe into the matter.

The Committee stress that investigations should be followed up by necessary action so as to recover as much as possible of the amount fraudulently overdrawn by the firm.

### **Progressing the Supplies**

The Progress Wing in the Office of D.G.S. & D. had been set up to watch coverage of indents and follow-up contracts so that supplies are arranged according to schedule. In this case the officials of the Purchase Department and the Progress Wing failed to detect delays in the supplies. The Committee were informed that the Acceptances of Tenders placed by the office of DGS & D were not specifically marked to the Progress Wing. The Committee observed that when special terms of payment in relaxation of standard terms were sanctioned to the firm, the office of the DGS&D should have taken care specifically to ask the Progress Wing to keep special watch on the progress of despatch of road rollers after inspection.

The Committee were also constrained to find that when complaints were specifically marked to the Progress Wing for investigation and report, the officer concerned did not investigate the matter fully by inspecting the firm's factory or godown but instead sent for the firm's representatives and obtained information which he reported to Headquarters. The Committee desired that the lapses on the part of the office of the DGS&D and the Progress Wing should be fully investigated so as to fix responsibility and take suitable disciplinary action against the officers concerned. They further observed:

"The Committee would like Government to ensure that all contracts where progress payments have been authorised are reviewed to make sure that the goods for which advance payments have been made are actually received

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<sup>7</sup>Eightieth Report of P.A.C. (4th L.S.), Paras 1.35 & 1.36.



by the consignees in time. They would like Government to ensure that the procedure envisaged for making 'local enquiries' and 'on the spot investigation' for making sure of the receipt of goods by consignees is given effect to by the field organisation in letter and in spirit".<sup>8</sup>

In reply to these observations the Department of Supply apprised the Committee of different office orders and instructions issued by them regarding progressing of supplies against contracts where either progress|advance payments were authorised or where standard terms of payment were relaxed. It had been laid down therein that contracts where terms of payment had been relaxed should be specifically marked by the Purchase Officer for special progressing by the Progress Wing.<sup>9</sup>

In Para 2.31 of their 28th Report the Committee further stressed that "not only was it incumbent on the office of the DGS&D to mark a copy of the A/T (Acceptance of Tender) to the Progress Wing, but also on the Progress Wing to ensure that the stores were actually despatched, as the order was admittedly on an unregistered firm". The Committee desired that the matter should be investigated further and responsibility fixed for failure to mark A/Ts to the Progress Wing.

In reply it was stated that the relevant records were with the C.B.I. and that circumstances in which a copy of the A/T was not endorsed to the Progress Wing would be examined as soon as the relevant records were received back in the Department of Supply.<sup>10</sup>

### **Procedure for Inspection**

The Public Accounts Committee notice a failure on the part of officials of the Supply Department to exercise effective inspection of supplies. The Committee were given to understand by the Secretary, Department of Supply, that they were going into the matter as to whether the inspection done by the Inspecting Officers was faulty and the supervision of the Director of Inspections was inadequate and whether there was any collusion. The Committee desired that this aspect should be investigated expeditiously.<sup>11</sup>

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<sup>8</sup>First Report of P.A.C. (4th L.S.), Para 5.13.

<sup>9</sup>Twenty-eighth Report of P.A.C. (4th L.S.), Para 2.29.

<sup>10</sup>Eightieth Report of P.A.C. (4th L.S.), Para 61.

<sup>11</sup>First Report of P.A.C. (4th L.S.), Para 5.19.

As regards the procedure followed for inspection of stores, the D. G. S. & D. informed the Committee that the Inspecting Officer endorsed the various technical certificates given by the firm's own inspectors, checked the production figures, tested the road rollers in work on gradients and fixed an inspection mark on each road roller. The inspection mark was a slinght hammer blow on the body of the road roller.

A note written by the Additional Director General, Supplies and Disposals suggested that either the firm had duped the inspector and got the same roller inspected over and over again by mutilating his inspection marks or there had been some unfortunate collusion between the firm and the Inspector. The Committee, therefore, asked Government to thoroughly investigate the procedure for impressing inspection marks on road rollers and stores so as to make sure that this could not be erased or otherwise tampered with. The Committee added "in fact it would be advantageous if inspection of goods fabricated and manufactured in the country is carried out in stages to make sure that they strictly conform to the prescribed standards."<sup>12</sup>

In their reply the Department of Supply stated that supervisors paid periodical visits to the firm according to the normal practice and there had been no complaints against the performance of Inspectors. It was added that there was no fool-proof mechanism in the Inspection Organisation to detect and prevent the types of frauds committed by the firm. With regard to the suspected collusion of the Inspectors the matter was stated to be under investigation by the Central Bureau of Investigation.

Regarding the procedure of inspection, the Committee were informed that the Inspector's seal or stamp was not designed to prevent frauds. Attempts had been made to make the inspection marks more indelible but even these could be erased. It was added that remedy did not lie only in tightening the method of inspection but also in prescribing heavy penalties as would serve an effective deterrent.

The Committee were also informed that Government were considering a proposal to prescribe a comprehensive Insurance Policy to be taken out by a firm which was allowed relaxation in terms of payment so as to safeguard against wrongful withholding or defaulting delivery of goods. The Committee asked Government to finalise

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<sup>12</sup>First Report of P.A.C. (4th L.S.), Para 5.20.

these proposals at an early date and implement them to avoid recurrence of such cases.<sup>13</sup>

#### **Purchase Procedure—Verification of Financial Position of Firms**

It was reported to the Committee that orders for the purchase of road rollers costing about Rs. 6 crores were placed on an unregistered firm without completing formalities for verification of their reliability and capacity to execute orders. The Committee were surprised to learn that the Manual of Procedure for Supplies, Inspection and Disposals did not clearly lay down that the representative of the Ministry of Finance should invariably be consulted at the stage of verification of the financial standing and soundness of a firm before its registration or for placing initial orders on an unregistered firm. The Committee asked Government to examine the matter and lay down clear instructions so that Government's interests were fully safeguarded.<sup>14</sup>

The Department of Supply stated that the number of cases relating to registration of firms was quite large and that prior consultation with the Ministry of Finance would cause considerable delays in their disposal. The Department, however, proposed to obtain the services of an officer from the Department of Company Law Administration and appoint him as Deputy Director (Registration) in the office of the D. G. S. & D. In doubtful and complicated cases, however, it was agreed to provide for consultation with the Ministry of Finance.

As regards consultation with the Ministry of Finance before placing orders on un-registered firms, the Department of Supply urged that the existing practice of placing orders should continue as it provided adequate safeguards. Consultation with the Ministry of Finance, it was felt, would result in considerable delays.

The Public Accounts Committee further suggested that Government should review the position in the light of experience gained after one year and lay down general principles for determining the types of complicated and doubtful cases which would require prior consultation with the Ministry of Finance. As regards the placing of orders on unregistered firms, the Committee suggested that in cases where it was not proposed to consult the Ministry of Finance Govern-

<sup>13</sup>Twenty-eighth Report of P.A.C. (4th L.S.). Paras 2.47.

<sup>14</sup>First Report of P.A.C. (4th L.S.), Paras 3.102 & 3.103.

ment should obtain adequate security deposits to safeguard their interests. The Committee further suggested that where large orders of say Rs. 5 lakhs and above were placed on unregistered firms it would be in the Government's own interest to have the standing of the firms thoroughly checked in consultation with the Ministry of Finance.<sup>15</sup>

In December 1968, the Committee were informed that a suitable officer had been appointed to man the post of Deputy Director (Registration) and that the position would be reviewed after one year. As regards the suggestion relating to consultation with the Ministry of Finance before placing orders on unregistered firms, the matter was stated to be under examination of Government.<sup>16</sup>

### **Checking of Mal-practices in Despatch of Stores**

Referring to the instances where the firm had received payment on the proof of inspection of road rollers and despatch of stores by indicating fictitious or wrong Railway Receipts Nos., the Committee asked the Department of Supply|DGS&D "to go fully into the matter in consultation with the Ministry of Railways and major indenting departments with a view to advise a foolproof procedure for ensuring that a supplier cannot get away with advance payment without actually despatching complete goods after inspection."<sup>17</sup>

The matter was accordingly reviewed. In view of the inability of the Railways to issue a duplicate copy of the Railway Receipt, which was the only foolproof method of establishing despatch of the inspected stores, it was tentatively decided that bills for advance payments should be supported by a photostat copy of the Railway Receipt (where these facilities were available) or by certified attested copies from prescribed authorities. It was also decided that in cases where the suppliers were unable to furnish photostat copies or attested copies no advance payments should be made to them. Simultaneously, standing instructions were to be issued to the consignees requiring them to promptly bring to the notice of the Pay and Accounts Officer concerned for appropriate action in cases of short supplies. The DGS&D was advised to discuss the revised procedure with the representatives of the trade before issuing final orders.

The Committee suggested that in case the revision of the procedure was likely to take some more time, instructions should be

<sup>15</sup>Twenty-eighth Report of P.A.C. (4th L.S.), Paras 2.18—2.22.

<sup>16</sup>Eightieth Report of P.A.C. (4th L.S.), Pages 22, 23 & 59.

<sup>17</sup>First Report of P.A.C. (4th L.S.), Para 4.53.

issued forthwith to all consignees to bring promptly all cases of short supplies to the notice of the Pay and Accounts Officer concerned for appropriate action."

The Committee were subsequently informed that remedial measures against firms obtaining advance payments fraudulently were under active consideration of Government. Meanwhile, instructions had been issued to all Indenting Departments that any shortage, discrepancies found in the stores received should be reported promptly to the Pay Accounts Officer concerned to enable him to withhold payment to the firm.<sup>19</sup>

### **Delays in Investigation of Cases by C.B.I.**

The transactions concerning the purchase of road rollers had revealed a number of lapses on the part of officials of the D.G.S.&D. and fraudulent behaviour of an unregistered firm. The matter was entrusted to the Central Bureau of Investigation for further investigation.

The Public Accounts Committee were informed that it was a case of colossal proportions. The fraud was spread over a period of years and involved several transactions. Moreover, road rollers supplied by the firm were spread all over the country and the witnesses to whom these were supplied had to be located and questioned.

The Committee thereupon discussed the matter with the representatives of the C.B.I. and enquired the reasons for the delay. They were informed that the Bureau did not want to deal with the case piece-meal and that each case involved several allegations which had to be gone into properly.

The Committee were, however, not satisfied with this explanation and observed that the case should have been investigated with the utmost expedition and finalised without delay. They observed :

"Delays may lead to tampering with records, change of officers and directors and the dissipation of assets. If it is a question of coping with the volume of records

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<sup>18</sup>Twenty-eighth Report of P.A.C. (4th L.S.), Para 2.26.

<sup>19</sup>Eightieth Report of P.A.C. (4th L.S.), Pages 59-60.

in a case, the Central Bureau of Investigation should deploy the necessary staff for the purpose but in no case should important investigation be delayed".

"The Committee also desire that Government should examine how far the Central Bureau of Investigation is handicapped in the investigation of such important cases due to lack of sufficient staff or authority. The Government may examine whether the Central Bureau of Investigation requires further strengthening to complete such investigations expeditiously."<sup>20</sup>

In reply to these observations of the Committee the Ministry of Home Affairs further explained the peculiarities of the case and the reasons for the delay in finalisation of the investigation by the C.B.I. It was added that the Bureau was not handicapped in the investigation of such cases due to lack of authority. While the number of sanctioned posts of investigating officers were adequate, difficulty had been experienced in getting experienced officers to fill these posts. Hitherto investigating officers with the C.B.I. were largely Police officers on deputation from the States. The State Governments were, however, reluctant to release their first rate men. To tide over this difficulty it had been decided to meet the requirements by direct recruitment.<sup>21</sup>

## (ii) WASTEFUL EXPENDITURE ON GOVERNMENT PUBLICATIONS

### **Infructuous Expenditure on Publications**

The Public Accounts Committee in the course of their examination of the accounts of various Ministries had become "painfully conscious" of a common pattern of wasteful expenditure on Government publications, which generally took the form of printing too many copies of various publications, with the result that most of them had either to be "given away" or "thrown away". The Committee felt that it had become necessary to bring this tendency on the part of almost all the Ministries to the notice of Parliament in a pointed manner. The Public Accounts Committee (1968-69) devoted their Thirty fourth Report exclusively to this subject.

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<sup>20</sup>Twenty-eighth Report of P.A.C. (4th L.S.), Paras 1.8 to 1.11.

<sup>21</sup>Eightieth Report of P.A.C. (4th L.S.) Pages 2-3.

Following the recommendations made by the Public Accounts Committee in their Thirty-fourth Report, the Estimates Committee (1968-69) felt that the publications activities of the Ministries/Departments of the Government of India required detailed study in relation to their "organisation, budgeting, and printing of various publications". The Estimates Committee, therefore, selected six\* Ministries/Departments for the purpose of such a study. The results of the study made by the Committee and their views in regard to the publications activities of the Ministries/Department selected for examination were incorporated by the Committee in their Eighty eighth Report.

Besides making a number of useful suggestions to improve the quality and contents of the various periodicals and publications and to gear up the machinery set up for the coordination of their production, the Estimates Committee suggested measures for effecting economy in the expenditure on Government publications. Some of their more important recommendations relevant to the subject are given here along with the recommendations of the Public Accounts Committee.

#### **Review of Publication to determine their Utility etc.**

The Public Accounts Committee learnt that the various Ministries and Departments were not required under the existing rules to bear the expenditure on their publications, and it was also not shown in their respective budgets. According to the Committee, this practice tended to encourage them to place their print orders in excess of requirements<sup>1</sup>. The Committee felt that if all the Ministries and Departments were made to bear the expenditure on their respective publications, it would effectively discourage the present tendency towards reckless overprinting and wasteful expenditure. The Committee, therefore, recommended that the expenditure on publications should be provided for in the budgets of all the Ministries and Departments under a separate sub-head in the relevant Demand for Grant, with a specific mention in the explanatory notes so that it received the attention of Parliament<sup>2</sup>.

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\* (1) Ministry of External Affairs, (2) Ministry of Information and Broadcasting (Publications Division and All India Radio), (3) Ministry of Commerce (Now Ministry of Foreign Trade)—Directorate of Commercial Publicity, (4) Ministry of Defence (Departments of Defence and Defence Production), (5) Ministry of Railways (Railway Board), and (6) Ministry of Communications (Posts and Telegraphs Board).

<sup>1</sup>P.A.C. 34th Report (1968-69), para 1.15(ii).

<sup>2</sup>Ibid., para 1.17.

While apprising the Committee of the action taken on their suggestion, the Ministry of Finance stated that certain Departments, like the Post and Telegraphs, Railways, Defence and a few others (mostly commercial Departments) which accounted for the bulk of the expenditure on the printing work undertaken by the Chief Controller of Printing & Stationery were already treated as 'paying' Departments. The expenditure incurred on these Departments' printing work was recovered from the respective Departments by book adjustment and was rejected in their respective budgets.

As regards the printing work in respect of other Departments, the Ministry of Finance stated that the Chief Controller of Printing and Stationery was treated as a service Department and the entire expenditure on paper, stationery, printing, etc., on publications and forms appeared centrally in the budget of the Chief Controller of Printing and Stationery. Likewise, the Directorate of Advertisement and Visual Publicity and the Publications Division of the Ministry of Information and Broadcasting, also incurred expenditure centrally on the printing of publicity materials and publications, respectively, undertaken on behalf of the various Departments. The Ministry stated that even in these cases, the expenditure on printing work done through the agency of the Chief Controller of Printing and Stationery and on paper in almost all cases (*i.e.* even where printing was done through private printers) was met out of the budget of the Chief Controller of Printing and Stationery.

The Ministry of Finance further explained that a complete decentralisation of the budget provision for printing work in respect of all Departments by treating all of them as 'paying' Departments would involve considerable increase in work not only in the offices of the respective Departments, but also in the offices of the Chief Controller of Printing and Stationery, the Directorate of Advertisement and Visual Publicity, the Director of Publications Division and in the Accounts Offices.

The Government, therefore, decided, as "practical step", to implement the recommendation of the Public Accounts Committee in respect of "major Departments which have substantial printing work". The Ministry intimated that the following "non-paying" Ministries/Departments whose expenditure on the printing was estimated to be over Rs. 5 lakhs per annum would also in future be treated as 'paying' Departments (by book adjustment), namely, Ministries of Education, External Affairs, Finance, Food and Agriculture, Community Development and Co-operation (Department of Agriculture and Community Development



and Cooperation), Health and Family Planning, Information and Broadcasting and Works, Housing and Supply (Central Public works Department), the Indian Audit & Accounts Department and the Rajya Sabha Secretariat (the Lok Sabha Secretariat being already a 'paying' Department).

As regards the remaining Departments, which would continue to be treated as 'non-paying', the Ministry of Finance stated that the existing arrangements would continue; but the total expenditure incurred on the printing of the publications of these Ministries/Departments was proposed to be exhibited as a lump sum in the budget estimates of the Chief Controller of Printing and Stationery/Director of Advertisement and Visual Publicity/Publications Division.<sup>3</sup> Referring to this proposal the Public Accounts Committee suggested that while exhibiting this provision separately in lump, the break-up of the provision among the different Ministries/Departments should also be shown.<sup>4</sup>

Noting that pursuant to the recommendations of the Public Accounts Committee a provision of Rs. 5 lakhs had already been made in the budget estimate of the Ministry of External Affairs for 1969-70 to pay for departmental publications, the Estimates Committee (1968-69) expressed the hope in their Eighty-eighth Report that "the procedure now introduced will result in economy and better control over expenditure on publications" of the Ministry.<sup>5</sup>

#### **Instances of Wasteful Expenditure.**

The public Accounts Committee, while examining the Audit Report (Civil) 1967, Audit Report (Commercial), 1967, Audit Report (Defence Services), 1967 and Audit Report (P & T), 1967, came across numerous cases of excessive printing and other wasteful expenditure on publications put out by the various Ministries and Departments. The Committee observed that, in a large number of cases, a substantial number of copies of the publications remained unsold or otherwise undisposed of, thus leading to the accumulation of heavy stock and necessitating the weeding out of a substantial number of copies. The Committee also observed that quite a large number of

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<sup>3</sup>P.A.C., 45th Report (1968-69), para 1.4.

<sup>4</sup>*Ibid.*, para 1.5.

<sup>5</sup>E.C., 88th Report (1968-69), paras 2.43 and 2.44.

copies of the publications brought out by the various Ministries had to be distributed *gratis*.

The Committee noted that this "unfortunate practice of over-printing and consequent wasteful expenditure" was prevalent in almost all the Ministries and Departments of the Government of India.<sup>6</sup>

While examining the Audit Report (Civil), 1967 relating to the Ministry of Information and Broadcasting, Directorate of Advertising and Visual Publicity, the Public Accounts Committee (1968-69) came across a number of cases of excessive printing, wasteful expenditure and other irregularities. Some of them are as follows:—

(i) *Printing of 49,000 Albums for New York World Fair*:—Against about 50,000 sets of picture albums (each containing 5 albums) produced for sale at the New York World Fair, only 5,000 sets were sent to the Fair. The stocks lying unsold as at the end of January, 1967 were valued at Rs. 4.73 lakhs.

(ii) *Printing of Two Lakh Publicity Folders Required for Distribution at the New York World Fair and for Tourist Campaign*:—The work of printing two lakh publicity folders required for distribution at The New York World Fair and for tourist campaign was entrusted to a firm in February, 1964 and was to be completed by June the same year. As a result of the revised layout, three sets of some of the blocks already purchased by the firm were rendered useless and several other blocks had to be trimmed to a smaller size; and the Department had to bear this infructuous expenditure amounting to Rs. 24,300.

(iii) *Supply of Folders and Brochures for Distribution at the New York World Fair*:—A substantial number of folders/brochures on different subjects such as Five Year Plans, Agriculture, Transport, Power etc. meant for distribution at the New York World Fair could not actually be sent to the Fair, thus defeating the object for which these were got printed.

The Public Accounts Committee had been informed that the folders were also distributed at the international exhibitions, Carribean Exhibition, Belgrade Fair, ECAFE exhibition. The remaining folders it

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<sup>6</sup>P.A.C., 34th Report (1968-69), paras 1 and 1.2.

was stated had been distributed to the External Publicity Division, Departments of Tourism, Five Year Plan Publicity Unit, Exhibition Division, colleges, etc. and none was in stock in September, 1968.

(iv) *Printing of 2.70 Lakhs Copies of a Poster Captioned "Let None Divide US"*:—The posters were to be of the size of 20"x30". In October, 1965, when 25,100 copies had been printed, it was decided to have the full quota printed in 30"x40" size. The work was entrusted to the same firm without re-inviting tenders of settling the charges in advance. In February 1966 when the work was in progress the Directorate of Advertising and Visual Publicity decided to pay to the firm @ Rs. 100 per thousand copies, although according to the Ministry, if competitive tenders had been invited the printing rates would not have been more than Rs. 64 to Rs. 73 per thousand copies. Up to April, 1966 only 1.12 lakh copies were received against the print order of 2.70 lakhs copies, and it was decided that the further printing work be dropped on the consideration that no useful purpose would be served after such an inordinate delay in printing. The purpose for which the posters were required was thus largely defeated.

The Ministry of Information and Broadcasting stated in their note submitted to the Public Accounts Committee that the poster was originally designed on the advice and guidance of the Informal Publicity Group, set up to advise the Directorate of Advertising and Visual Publicity. But, subsequently, when printed copies were seen by the Informal Publicity Group, they felt that a bigger size with yellow background would have a greater appeal and impact on the public mind. The size of the poster was accordingly changed. The Ministry further stated that necessary cuts had been made by them from the printers' bills for delay in supply of copies.

(v) *Printing of Two Lakh Copies of the Booklet "Post Office Savings Bank" at the Government of India Press, New Delhi*:—The work was entrusted in December, 1963 and was to be completed by January, 1964. The Press, however, delivered the printed copies between December, 1964 and February, 1965. A large number of these booklets could not be put into circulation due to revision of the Post Office Savings Bank Rules (incorporated in the booklet) from 1st March, 1965. The expenditure on the printing of the booklet had been intimated by the Government of India Press as Rs. 12,592/-. The Ministry of Information and Broadcasting informed the Public Accounts

Committee that the undistributed copies of the booklet, numbering 30,500, were destroyed, as the distribution of out-dated copies might have created confusion.<sup>7</sup>

The Ministry of Information and Broadcasting furnished to the Public Accounts Committee the following information in regard to the publications brought out by them:

(Rs. in lakhs)

Year	Sales during the year	Issues grants during the year	Total issues during the year	Stock of publications at the end of the year	Percentage of closing Stock of total issues
1962-63	18.49	0.98	19.47	35.56	183
1963-64	20.05	1.39	21.44	37.52	175
1964-65	21.25	0.75	22.00	38.93	177
1965-66	20.00	0.76	20.76	42.42	204

The Ministry stated that out of the books published during the period 1962-63 to 1965-66 many of the titles had been sold out and some were still on sale. According to the Ministry, the need for weeding out those titles as well as the question of assessing whether there had been excess print orders had in the circumstances not arisen.

The Public Accounts Committee, however, learnt from above statement furnished by the Ministry that the percentage of closing stock of publications to total issues during the four years ending March 1966 was between 175 and 204 and the value of unsold stocks had gone up from Rs. 35.56 lakhs in 1962-63 to Rs. 43.43 lakhs in 1965-66<sup>8</sup>.

The Committee, while examining the Audit Report (Commercial), 1967, relating to the Publications Branch of the Ministry of Works, Housing and Supply, noticed that the percentage of closing stock of publications to total issues during the five years ended March, 1967 was between 156 and 200 and the value of unsold stock had risen from

<sup>7</sup>*Ibid.*, para 1.10.

<sup>8</sup>*Ibid.*, para 1.11.

Rs. 65.68 lakhs in 1962-63 to Rs. 106.14 lakhs in 1966-67. The relevant information as furnished to the Committee by the Ministry was as follows:

Year	Sales during the year	Issues gratis during the year	Total issues during the year	Stock of publications at the end of the year	Percentage of closing stock to total issues
1962-63	16.40	25.72	42.12	65.68	156
1963-64	19.07	22.53	41.60	73.29	176
1964-65	24.77	22.97	47.74	80.19	168
1965-66	23.85	23.01	46.86	94.21	200
1966-67	27.21	26.80	54.01	106.14	196

The Committee also noted that during the period 1962-63 to 1964-65, publications of the value of Rs. 10.27 lakhs had been weeded out. In the case of two of the publications viz, Pamphlet for I.A.S. (Spl.) Recruitment Examination, 1956 and Manual of Election Law, the percentage of number of copies weeded out to the number of copies printed was as high as 93 and 65, respectively.

The Committee further noted a number of instances of excesses and shortages disclosed as a result of physical verification of the stock of publications for the six years ended March, 1967. While the amount of excess varied from Rs. 2.36 lakhs in 1961-62 to Rs. 4.00 lakhs in 1966-67, the shortage ranged between Rs. 3.95 lakhs in 1964-65 and Rs. 8.84 lakhs in 1966-67. The Committee also noted that there was considerable time-lag, i.e., four to five months, between the actual supply and posting thereof in the price store ledgers.<sup>9</sup>

Earlier, in their Forty-first Report, the Public Accounts Committee (Third Lok Sabha) had commented adversely on the printing of excessive number of copies of *Rashtriya Panchang* by the Department of Civil Aviation. In that case, the Committee had expressed their surprise at the fact that out of 1,50,850 copies (which included 33,300 copies meant for free distribution) printed at a cost of Rs. 1.50 lakhs during the seven years ending with 1963-64, only 27,033 copies were sold and 75,675 copies were declared surplus. Further, there were no

<sup>9</sup>*Ibid.*, paras 1.12 to 1.14.

accounts available with the Ministry in regard to 5,445 copies. The sale of 69,457 copies as waste, which brought Rs. 4,012 resulted in a loss of Rs. 65,445 computed with reference to the actual cost of printing. This loss, the Committee felt, could have been reduced, if the minimum number of copies only had been printed. The Committee also found that there had not been much publicity about the usefulness and value of the *Panchang*. The recommendations and observations of the Committee on the subject were subsequently accepted by the Government.<sup>10</sup>

In their Thirteenth Report, the Public Accounts Committee (1967-68) commented on the excessive printing of "Souvenir Fascimile Stamp Albums". In that case, the Posts and Telegraphs Department, on the occasion of the Stamp Centenary in 1964, had brought out about 10,350 copies of the Souvenir for sale to the public, at a total cost of Rs. 1.04 lakhs. The Department was, however, able to sell copies of the Album worth Rs. 70,000 only over twelve years.<sup>11</sup>

The Committee in their Fourteenth Report in same year commented on cases of excessive printing of publications by the National Botanical Gardens, Lucknow and the Central Mining Research Station, Dhanbad, both under the CSIR. The Committee noted with concern that in spite of the heavy accumulation of unsold publications in the two institutions since 1963 (the percentage of accumulation ranged between 63 and 99 during 1963-65), indicating an avoidable waste of public funds, no effort was made by CSIR to analyse the reasons for it.<sup>12</sup>

Also, in the same Report, the Committee commented upon the printing of publications by the University Grants Commission much in excess of their requirements. They found that the percentage of the copies sold to the total print order during the six financial years from 1959-60 to 1965-66 had varied from 4 to 11.<sup>13</sup>

The Committee in their Nineteenth Report also commented on cases of excessive printing and consequent accumulation of stocks of certain publications by the Ministry of Defence. The Committee found that out of the publications brought out during the four years ended December, 1965, over 40 per cent of the copies originally printed still remained in stock on the 20th February, 1967. In the case of seven out of nine priced publications and 29 out of 93 unpriced pub-

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<sup>10</sup>*Ibid.*, para 1.4

<sup>11</sup>*Ibid.*, para 1.5.

<sup>12</sup>*Ibid.*, para 1.6.

<sup>13</sup>*Ibid.*, para 1.7.

lications. The Committee, therefore, felt that *prima facie* the original print order for the seven priced and 29 unpriced publications was unduly high and observed that the print orders for these publications should be placed on a more realistic and conservative basis, so that wastage resulting from excessive print orders and the consequent accumulation in stock were strictly avoided.<sup>14</sup>

From a review of the facts stated above, the Public Accounts Committee (1968-69) came to the conclusion that a number of factors were "largely responsible for the widespread evil of excessive printing and other wasteful expenditure on Government publications". These along with the recommendations made by the Committee in their Thirty-fourth Report are described in the following paragraphs.

#### **Presistent Tendency for Orer-printing**

The Committee felt that there was a general tendency in the Ministries and Departments to pitch their print orders on inordinately high estimates which were sometimes grossly in excess of their requirements and the likely public demand for their publications. This resulted, in most cases, in the accumulation of heavy stocks, the blocking of substantial public funds and the heavy weeding out of surplus copies in the end.<sup>15</sup>

The Committee expressed their concern at the alarming extent of "needless over-printing" and the consequent heavy infructuous and wasteful expenditure on Government publications and felt that Government could effect substantial savings if the various Ministries and Departments were made to place their print orders on a realistic and conservative basis.<sup>16</sup>

The Government informed the Committee in reply that in pursuance of the latter's recommendations suitable instructions had been issued to all Ministries and Departments.<sup>17</sup>

#### **Reasons for Accumulation of Publications**

According to the Public Accounts Committee, one of the reasons for heavy accumulation of unsold publications was costly production and over-pricing. The Committee, therefore, suggested that the price

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<sup>14</sup>*Ibid.*, para 1.9.

<sup>15</sup>*Ibid.*, para 1.15(i).

<sup>16</sup>*Ibid.*, para 1.16.

<sup>17</sup>P.A.C., 45th Report (1968-69), p. 7.

ing might be rationalised. The Committee further suggested that the various Ministries and Departments should give adequate advance publicity to their respective publications amongst the likely customers in order to prevent the accumulation of unnecessary stocks due to poor sales.<sup>18</sup>

In reply the Ministry of Finance informed the Committee that the question of revising the pricing policy was under examination of the Department of Works and Housing. Instructions had, however, been issued to Ministries that, where large stocks of publications had accumulated, their sale prices should be reviewed quickly, in order to see whether the off-take could be increased. The Ministry also stated that the question of evolving suitable measures for improving publicity and sales promotion in respect of Government publications was under the consideration of the Department of Works and Housing.

Considering that excessive printing of Government publications and consequent accumulation of stocks resulted in considerable wasteful expenditure, the Committee desired that the Ministry of Works, Housing and Supply should expedite the examination of certain important questions like revision of pricing policy, improvement of publicity and sales, etc.<sup>19</sup>

Later, the Department of Works, Housing and Urban Development intimated to the Public Accounts Committee that the Cost Study Team, which was asked to suggest, among other things, a uniform pricing policy had submitted its report which was being examined.

The Department further informed the Committee that the Manager of Publications had been advised to prepare a list of publications that had accumulated for Communication to the concerned departments to enable them to undertake the review of their sale prices. The Department of Works, Housing and Urban Development undertook to apprise the Committee in due course of the final action taken as a result of the review to be undertaken by the concerned Departments.<sup>20</sup>

As regards their recommendation for giving adequate advance publicity to the various publications brought out by the Ministries and Departments, the Public Accounts Committee were informed that a de-

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<sup>18</sup>P.A.C., 34th Report (1968-69), paras 1.20 and 1.25.

<sup>19</sup>P.A.C., 45th Report (1968-69), paras 1.20 to 1.22.

<sup>20</sup>Note furnished by the Department of Works, Housing and Urban Development pursuant to the recommendations of the Committee contained in their 34th and 45th Reports (1968-69).



partmental Committee had been appointed to evolve suitable measures for improving the publicity of Government publications to boost up their sales and prevent accumulation of unnecessary stocks.<sup>21</sup>

While discussing the publications activities of the Ministry of Communications (P. & T. Board), the Estimates Committee (1969-70) pointed out that as against the total print order of 35,000 each in the case of Post Office Guide Part III (A-K) and Post Office Guide Part III (L-Z) in 1966, the number of copies then held in stock was 13,973 and 13,573 respectively. This in the opinion of the Committee, was rather high, being about 40 per cent, especially in view of the fact that these publications had to be published every two years and that the next issue was already overdue. The Committee reiterated their earlier recommendation that while printing the next issue of the publication care would be taken to ensure that the print order was given on a more realistic basis.<sup>22</sup>

The Ministry of Communications (P. & T. Board) informed the Estimates Committee in reply that the latter's observations had been "carefully noted and would be kept in view". The Ministry expected that the bulk of the copies held in stock would be cleared before the printed copies of the next edition were received.<sup>23</sup>

#### **Measures for Improving the Quality and Contents of Publications**

The Public Accounts Committee felt that there was laxity in checking the quality and standard of printing and the paper used for printing.<sup>24</sup> The Committee desired that the Ministries and Departments should make a comprehensive review of the quality of the Publications brought out by them with a view to effecting improvements and increasing public demand for them.<sup>25</sup>

The Ministry of Finance accordingly issued instructions to Ministries that the publications brought out by them should be reviewed as recommended by the Committee.<sup>26</sup>

Referring to a specific journal, *viz. Dak Tar* brought out by the P & T Board of the Ministry of Communications, the Estimates Committee (1968-69) *inter alia* suggested in their Eighty-eighth Report

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<sup>21</sup>*Ibid.*

<sup>22</sup>E.C., 88th Report (1968-69), para 7.12.

<sup>23</sup>E.C., 125th Report (1969-70), p. 26.

<sup>24</sup>P.A.C., 34th Report (1968-69), para 1.15 (vi).

<sup>25</sup>*Ibid.*, para 1.23.

<sup>26</sup>P.A.C., 45th Report (1968-69), para 1.25.

that the get-up and contents of the journal, which was still suffering a net loss of about Rs. 30,000 per year despite remedial measures, should be reoriented so as to "make it more attractive and thereby attract more subscriptions and augment sales." The Committee also desired that serious efforts should be made to obtain more and more advertisements so that revenue from sale and advertisement could progressively increase thereby reducing the gap between expenditure and income to the extent possible.<sup>27</sup>

The Committee were later informed by the Ministry of Communications (P. & T. Board) that as the journal *Dak Tar* was a house journal with circulation limited to officers and staff of the Department, the publicity potential thereof was obviously limited. The Ministry felt that this worked as a limitation on the revenue to be earned from sale and advertisement. The Ministry, however, added that the heads of Circles were in any case being requested to take personal interest in the matter and to try to secure more advertisements for the magazine and also to increase the number of subscribers.<sup>28</sup>

#### **Review of Publication to determine their Utility etc.**

The Public Accounts Committee suggested that every Ministry or Department should make a careful and comprehensive review of the books, periodicals, brochures and other publications brought out by them from time to time with a view to determining their utility, public demand and sales prospects and in the light of that review make a careful assessment of the minimum number of copies which should be printed in each case. The Committee felt that, except for publications of historical importance and continuing interest, it should be possible to determine the number of copies to be printed in each case in such a way that the stock was sold out before the publication became out of date or lost its utility.<sup>29</sup>

In pursuance of the recommendations made by the Committee, instructions were issued to all the Ministries to the effect that the review suggested by the Committee should be carried out regularly once in three years for all publications and more frequently in particular cases considered necessary by the Ministry|Department concerned.<sup>30</sup>

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<sup>27</sup>E.C., 88th Report (1968-69), paras 7.33 and 7.34.

<sup>28</sup>E.C., 125th Report (1969-70), pp. 21 and 22.

<sup>29</sup>P.A.C., 34th Report (1968-69), para 1.18.

<sup>30</sup>P.A.C., 45th Report (1968-69), p. 9.

### **Expeditions Printing of Publications**

In respect of time schedule for printing the Public Accounts Committee observed that it was not strictly enforced and there were "serious delays" in printing both through the Government presses as well as private printers. In many cases, the Committee added, the delays were so serious that the publications became out of date or otherwise lost their utility by the time the printed copies were received.<sup>81</sup>

The Committee therefore urged that Ministries and Departments should strictly enforce the time schedule of printing both by the Government presses as well as the private printers. Printing should be planned in such a way, the Committee observed, that the publications did not become obsolete or otherwise lose their utility by the time the printed copies were received. The Committee recommended that a suitable penalty be invariably imposed on the printers, whether Government or private, in the case of delay in printing the publications.<sup>82</sup>

In their reply to the Committee, the Ministry of Finance stated that necessary instructions had been issued to the Ministries and the Government presses were being permitted to charge a higher rate from the 'paying' Departments for priority work, so as to make them alive to the need to avoid dislocation in the normal printing work. The Committee, however, saw no reason why Government should not make Government presses liable to the imposition of penalty for delay in printing in the same manner as private presses. The Committee felt that this would help "to bring home to the Government presses that time was the essence of the matter". The Committee further recommended that the additional amounts collected for priority work as also the penalty charges paid by the presses should be distinctly exhibited (Government Press-wise) in their accounts.<sup>83</sup>

### **Reduction in the Number of Complimentary Copies**

Pointing out that the number of complimentary copies of the various programme journals of the A.I.R. distributed during the last three years was indicative of the fact that the number of complimentary copies varied from journal to journal, the Estimates Committee (1968-69) observed that while only 25 or more copies per issue of a journal *viz.*, *Betar Jagat* (Bengali), were distributed as complimen-

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<sup>81</sup>P.A.C., 34th Report (1968-69), para 1.15(iii).

<sup>82</sup>*Ibid.*, para 1.21.

<sup>83</sup>P.A.C., 45th Report (1968-69), p. 4.

tary copies the total number of complimentary copies of another journal, viz. *Akashvani* (English), distributed per annum came to more than 11,000 on an average. The Estimates Committee considered this number to be "rather too high" and desired that efforts should be made to reduce the number of complimentary copies "to the extent possible". At the same time, the Committee suggested, efforts should be made to fix the print order "on a realistic basis" so as to obviate the necessity of stocking a large number of unsold copies and render them obsolete, as had been the case with the programme journals published from Delhi.<sup>84</sup>

The Ministry of Information and Broadcasting informed the Estimates Committee in reply that the question of reducing the number of complimentary copies of the various programme journals was under examination of the Government.<sup>85</sup>

### Press Comments

Commending the various suggestion made by the Public Accounts Committee to stop wasteful expenditure on Government publications, the *Hindustan Times* stated in its issue of the 1st November, 1968 that "to avoid reckless expenditure, the Committee has made the excellent suggestion that the particular Ministry or Department on whose behalf the publication is produced should take the financial responsibility for bringing them out and show the expenditure under separate subhead in the relevant demand for grant with mention in the explanatory notes so that Parliament will be seized of the matter". The paper thought that if this recommendation was carried out, there would be an immediate reduction in the spending.

The *Economic Times*, dated the 16th November, 1968, commented thus:—

"...and some of the proposals made by the Public Accounts Committee are worth exploring. For instance, the mere act of showing separately the expenditure on publications in the department's budget has its own psychological advantages; even if loss cannot be avoided, there will be a strong compulsion to reduce it to the minimum. It would also help to put print orders on a realistic basis and to be more discriminating in the distribution of complimentary copies. But this as well as the other suggestion

<sup>84</sup>E.C., 88th Report (1968-69), para 3.83.

<sup>85</sup>E.C., 125th Report (1969-70), p. 24.

about a more rational price policy would presuppose facilities for market research, which neither the Publications Division nor the individual Ministries do in fact command".

The *Statesman* (New Delhi), dated the 19th November, 1968, said in its editorial that the Public Accounts Committee felt so strongly that "it has rightly issued a special report on the subject, instead of confining its strictures to the general reports on the offices concerned, where they would probably be buried without trace."

The paper added:

"Mr. Masani and his colleagues are not merely right to be "greatly perturbed" but have proposed an original and just possibly effective, remedy. . . . . From special knowledge, we may perhaps add another defect. partly through congestion of the presses with unimportant matters, important documents are frequently unavailable in adequate quantities in the day of publication. Daily newspapers, which must comment at once rather than possibly weeks later, are therefore forced to rely on summaries issued by the Press Information Bureau. These may or may not contain matter which the Department concerned would prefer not to receive over much notice."

### (III) "NEW SERVICE"|" NEW INSTRUMENT OF SERVICE

Article 115(1) of the Constitution requires that when a need has arisen during the current financial year for supplementary or additional expenditure upon some new service not contemplated in the Annual Financial Statement for that year, another Statement showing the estimated amount of that expenditure should be laid before both the Houses of Parliament and necessary appropriation law got enacted in terms of Article 115(2).

In a note furnished on 23rd December, 1967 to the Public Accounts Committee, the Ministry of Finance stated that the term "new service" had not been defined nor was it practicable to do so and its scope had therefore been left to be decided by the evolution of a body of case law on the basis of decisions taken in the light of the views expressed by Audit and Public Accounts Committee. The Ministry stated:

"Broadly, however, expenditure arising out of new policy decision (not brought to Parliament's notice earlier), in-

cluding a new activity or a new form of investment, is regarded as an item of 'new service'. Similarly, relatively large expenditure arising out of an important extension of an existing activity is treated as a 'new instrument of service' which is a slight variant of the term 'new service', even if the activity is contemplated in the Annual Financial Statement. Thus, the setting up of a new Government Company is treated as a 'new service' and new works undertaken during the course of the year and costing more than Rs. 25 lakhs each in the case of Civil and P. & T. Department (Rs. 2 crores for Railway Works) are treated as 'new instruments of service', expenditure on which is to be incurred after obtaining Parliamentary approval or in cases of urgency after obtaining an advance from the Contingency Fund. Setting up of Commissions and Committees of Enquiry are also treated as 'new instruments of service' if the expenditure involved is likely to exceed Rs. 2 lakhs."

According to the information furnished to the Committee by the Government, investments in Government companies, where made for the first time, were treated as items of "new Service". Additional investments, for which provision could be found by re-appropriation, had, however, not been treated as "new instruments of service", so long as the authorised capital, which would have been brought to the notice of Parliament through the Budget documents, was not exceeded. Similarly, according to the Government, the concept of "new service" or "new instrument of service" had not been attracted in the case of loans, as these were recoverable, interest thereon also being recoverable, and if at any time it became necessary either to forgo interest or write off loans, the matter was brought before Parliament for specific approval.<sup>1</sup>

#### *1. Criterion for "New Service" | New Instrument of Service"*

The Public Accounts Committee, being broadly in accord with the views of Government enunciated in the aforesaid note, agreed with the Government that expenditure arising out of a policy decision, not brought to Parliament's notice earlier, including a new activity or a new form of investment, should be regarded as an item of "new service". Similarly, the Committee felt that substantial expenditure arising from an important extension of an existing activity should be

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<sup>1</sup>P.A.C., 11th Report (1967-68), paras 1.33 & 1.34.

treated as a "new instrument of service". The Committee wanted all cases of "new service" and "new instrument of service" to be brought specifically to the notice of Parliament.

As regards the specific proposals of Government regarding investment in or loans to Public Sector Undertakings, Private Sector Companies, Private Institutions and Grants-in-aid to Private Institutions, the Committee's views were as set out below:—

*Public Sector Undertakings*

(a) The Committee recommended<sup>2</sup> that the following cases should be treated as involving "new service"/"new instrument of service".

- (i) setting up of new Government Companies, splitting up of an existing Government Company or amalgamation of two or more Government Companies, and the taking up of a new activity by an existing Government Company or a Departmental Undertaking;
- (ii) additional investments in an existing Departmental Undertaking of Rs. 1 crore and above or 50 per cent of the budget provision, whichever was less; and
- (iii) additional investments in or loans to finance an existing Government Company subject to the limits shown below:—

Undertakings with paid-up capital up to Rs. 1 crore. Rs. 10 lakhs and above or 50 per cent of the budget provision, whichever was less.

Undertaking with paid-up capital of more than Rs. 1 crore but less than Rs. 25 crores. Rs. 1 crore and above or 50 per cent of the budget provision, whichever was less.

Undertakings with paid-up capital of Rs. 25 crores and above. Rs. 5 crores and above or 50 per cent of the budget provision, whichever was less.

(b) The Committee recommended<sup>3</sup> that the following cases should be reported to Parliament along with the ensuing batch of Supplementary Demands:

- (i) additional investments in a Departmental Undertaking of Rs. 50 lakhs and above or 50 per cent of the budget provision, whichever was less; and

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<sup>2</sup>*Ibid.*, para 1.68.

<sup>3</sup>*Ibid.*, para 1.69.

- (ii) additional investments in or loans to finance an existing Government Company subject to the following limits:

Undertakings with paid-up capital upto Rs. 1 crore. Rs. 5 lakhs and above or 50 per cent of the budget provision, whichever was less.

Undertakings with paid-up capital of more than Rs. 1 crore but less than Rs. 25 crores. Rs. 50 lakhs and above or 50 per cent of the budget provision, whichever was less.

Undertakings with paid-up capital of Rs. 25 crores and above. Rs. 2.5 crores and above or 50 per cent of the budget provision, whichever was less.

The Committee recommended<sup>4</sup> that loans up to Rs. 10 lakhs might be given to an existing Government Company in cases where there was no budget provision.

*Private Sector Companies|Private Institution*

As regards the private sector companies|private institution, the Public Accounts Committee recommended<sup>5</sup> that the following cases should be treated as involving "New Service"<sup>6</sup>"New Instrument of Service":—

- (i) investments in private sector companies to be made for the first time; and
- (ii) additional investments in or loans to an existing private sector company|private institution of Rs. 1 crore and above or 50 per cent of the budget provision, whichever was less.

The Committee recommended<sup>4</sup> that the following cases should be reported to Parliament with the ensuring batch of Supplementary Demands:

additional investments in or loans to an existing private sector company|private institution exceeding Rs. 50 lakhs but less than Rs. 1 crore or 50 per cent of the budget provision, whichever was less.

<sup>4</sup>Ibid., para 1.70.

<sup>5</sup>Ibid., para 1.72.

<sup>6</sup>Ibid., para 1.71.



The Committee recommended<sup>7</sup> that loans upto Rs. 5 lakhs might be given to a private sector company or private institution in cases where there was no budget provision.

The Government generally accepted the Public Accounts Committee's recommendations regarding the nature of expenditure which should constitute a "new service"|"new instrument of service".

However, the Ministry of Finance explained to the Committee that there were certain difficulties in adopting the alternative limit of 50 per cent of the budget provision suggested by the latter. According to the Government the alternative limit of 50 per cent of budget provision would lead to a very large number of Supplementary Demand, which would be necessary even where the additional requirement was less than, Rs. 1 crore and could be found by re-appropriation. The Government, therefore, felt that there should only be monetary limit and not alternative limit of 50 per cent of the budget provision. In view of the difficulties explained by the Ministry, the Public Accounts Committee decided not to pursue the alternative limit of 50 per cent<sup>8</sup>.

As regards the monetary limits suggested by the Committee in regard to additional investments in or loans to Departmental Undertakings, Government Companies etc., the Government felt that these were "rather low in relation to the total capital provided to an undertaking, which consists of both equity and loans". The Government felt that if these limits were fixed, "the result will be that a large number of Supplementary Demands may become necessary even where comparatively small amounts are involved". The Government, therefore, felt that the limits should be at least twice those indicated by the Public Accounts Committee, for the various slabs of paid-up capital. The Government added: "Similarly it would be appropriate to have two slabs above the level of Rs. 25 crores—one upto Rs. 100 crores and the other above Rs. 100 crores—so that higher limits could be prescribed in the case of the latter category". Accordingly, it was proposed that the following limits be prescribed:

Paid-up Capital	Limits
Up to Rs. 1 crore	Rs. lakhs 20
Above Rs. 1 crore and upto Rs. 25 crores	2
Above Rs. 25 crores and up to Rs. 100 crores	10
Above Rs. 100 crores	15

<sup>7</sup>Ibid., para 1.73.

<sup>8</sup>P.A.C., 50th Report (1968-69), paras 1.7 and 1.10.

The Government, however, agreed that cases of additional requirements not less than half the limits indicated above would be reported to Parliament along with the "next batch of Supplementary Demands".<sup>9</sup>

The Public Accounts Committee noted that the monetary limit proposed to be adopted by Government in regard to additional investments in or loans to Departmental Undertakings, Government companies etc. to be reported to Parliament were substantially higher than those suggested by the Committee. The Committee, therefore, desired the matter to be reviewed by Government periodically in the light of experience gained, with a view to lowering these limits.<sup>10</sup>

The Government also pointed out in their reply sent to the Public Accounts Committee that a "distinction needs to be drawn between investments and long-term loans for purposes of acquisition of fixed assets etc., on the one hand, and comparatively short-term loans for working capital or ways and means purposes, on the other". The Government stated that while additional requirements of the first category exceeding prescribed limits would be brought before Parliament in the form of Supplementary Demands, a similar procedure, if insisted upon in the case of the second category also, might lead to practical difficulties. According to the Government, while normally it was expected that the undertakings would look to the banking system for covering their working capital or other short-term requirements, cases might arise during the course of the year where such accommodation might not be forthcoming and Government might have to provide finances to them at short-notice. The Government brought it to the notice of the Public Accounts Committee that prior Parliamentary approval agency Fund might not also suffice and the amount of the Contingency Fund might not also suffice additional requirements. The Government, therefore, pleaded with the Committee that "in all such cases of additional working capital or other short-term ways and means requirements, it should be open to Government to make the necessary advances and in case the amount involved exceeded the prescribed limits, to report the fact to Parliament along with the next batch of Supplementary Demands or seek a Supplementary Demand if provision for covering it cannot be found during the year out of savings or alternatively it is found that the funds already provided would have to be allowed to be utilised on a long-term basis".<sup>11</sup>

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<sup>9</sup>*Ibid.*, para 1.7.

<sup>10</sup>*Ibid.*, para 1.11.

<sup>11</sup>*Ibid.*, para 1.7.

The Public Accounts Committee appreciated the need for flexibility in the matter of short-term loans to Public Sector Companies and Statutory Bodies for working capital or ways and means purposes, and the difficulty in bringing such loans within the purview of "new service"|"new instrument of service". The Committee agreed that, instead of bringing such loans under the "new service"|"new instrument of service", the loans exceeding the prescribed limits might be reported to Parliament, and suggested that the category of loans which would constitute 'short-term' loans should be defined with reference to the duration of the loans which should not exceed one year for this purpose.

With regard to additional investments in or loans to Private Sector Companies|Private Institutions, the Committee's recommendations were accepted by the Government. The Government, however, pleaded with the Committee that the alternative limit of 50 per cent of budget provision suggested by the Committee should be dispensed with. The Committee accordingly decided not to pursue the alternative limit."

## *II. Grants-in-aid to Private Institutions*

The Public Accounts Committee felt that a distinction should be drawn between non-recurring and recurring grants given to a private institution. The Committee observed that while the limit for non-recurring grants might remain at Rs. 10 lakhs, for recurring grants it might be fixed at Rs. 5 lakhs."

The Committee desired that the Government should, in addition, indicate specifically in the papers submitted to Parliament the financial implications of a recurring grant exceeding Rs. 5 lakhs per annum where the commitment, direct or implied, was for two years or more."

The Committee also desired that the limit for non-recurring and recurring grant-in-aid to a private institution should apply in the case of moneys disbursed by Government as a whole rather than by individual Ministries|Departments."

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<sup>12</sup>Ibid., paras 1.10 and 1.12 and p. 17.

<sup>13</sup>P.A.C., 11th Report (1967-68), para 1.74.

<sup>14</sup>Ibid., para 1.75.

<sup>15</sup>Ibid., para 1.76.

The Ministry of Finance, having in the first instance accepted the Committee's recommendation proposing the limits of 5 lakhs for non-recurring grants-in-aid to private institutions beyond which the expenditure should be treated as 'new instrument of service', stated subsequently that "this did not cover cases of grants to statutory and other public institutions like the University Grants Commission, Indian Institute of Technology, Khadi and Village Industries Commission etc., which, though non-Government bodies, are largely financed by Government". The Ministry felt that as these bodies could not be placed on the same footing as private institutions, the limits applicable to the latter would not be appropriate to the statutory and other public bodies. In the circumstances, the Ministry added, the monetary limits to be applied for both recurring and non-recurring grants-in-aid in these cases might be fixed at Rs. 10 lakhs in respect of grant-in-aid of less than Rs. 1 crore per annum Rs. 25 lakhs in the case of institutions in receipt of grants-in-aid of Rs. 1 crore and above but below Rs. 2 crores per annum and Rs. 50 lakhs in the case of institutions in receipt of grants-in-aid of Rs. 2 crores and above per annum.

The Government also undertook to make every effort to indicate the financial implications of a recurring grant exceeding Rs. 5 lakhs, whenever possible, where the commitment was for two years or more.

The Ministry pointed out that the proposal that the above limits should be applied with reference to all the grants which might be given by Government (*i.e.*, all Ministries and Departments of the Government) to an institution would, if implemented, lead to practical difficulties. Among other things, the Ministry stated, this would require the centralisation of the work of payment or authorisation or at least approval for such payments, which would mean withdrawal of the powers delegated to various authorities in this regard.

The Public Accounts Committee, in their Fiftieth Report noted Government's acceptance of the suggestion that recurring and non-recurring grants exceeding the limits indicated by the Committee should be specifically brought to the notice of Parliament. They further recommended that grants-in-aid, beyond the following limits,

to those statutory and other public institutions which though non-Government bodies, were largely financed by Government, should be treated as 'new instrument of service' :—

(i) Institution in receipt of grants-in-aid of less than Rs. 1 crore per annum . . . . .	10 Lakhs
(ii) Institution in receipts of grant-in-aid of more than Rs. 1 crore, but less than Rs. 2 crores per annum . . . . .	20 Lakhs
(iii) Institution in receipt of grant-in-aid of Rs. 2 crores and more, but less than Rs. 3 crores per annum . . . . .	30 Lakhs
(iv) Institution receiving grant-in-aid of more than Rs. 3 crores per annum . . . . .	50 Lakhs

Referring to the difficulties expressed by the Government about implementing the Committee's suggestion that, in case of grants to private institutions, these limits should apply to the totality of the grants sanctioned by the various Ministries|Departments of Government rather than to the grants sanctioned by individual Ministries|Departments, the Public Accounts Committee observed that the difficulty could be overcome. "As pointed out by Government themselves," the Committee observed, "the number of cases of grants to the same institution by two or more Ministries|Departments is likely to be very small". The Committee suggested that a list of institutions receiving grants-in-aid of more than Rs. 1 lakh from any Ministry might be drawn up on the basis of grants given to various institutions during the last three years and brought up to date every year. The Committee recommended that whenever a Ministry sanctioned a grant to such an institution, it might forward a copy of the sanction to the Ministry of Finance, or the coordinating Ministry nominated in this behalf, which would keep a watch over the total grant sanctioned. The Committee also suggested that the individual Ministry might be required to consult the coordinating Ministry before sanctioning a grant of Rs. 1 lakh or more to ensure that the limits accepted by Government were not exceeded.

The Committee desired that the grantee institutions might also be required to mention in their application the amount of the grant or grants which they had received from other Ministries during the year.

In the event of the amount of grant-in-aid to an institution exceeding Rs. 10 lakhs in case of non-recurring grant and Rs. 5

lakhs in case of a recurring grant in a year, the Committee recommended, the matter might be specifically brought to the notice of Parliament.<sup>16</sup>

### *III. Subsidies*

The Public Accounts Committee felt that as subsidies reflected in monetary terms the result of some of the important policy decisions of Government or contractual obligations entered into by them, it was but proper that the approval of Parliament to the grant of subsidies, overt and covert, should be obtained. The Committee accordingly recommended that a subsidy should be shown as a separate sub-head under each relevant Demand supported by adequate details regarding the extent of subsidy on each commodity and the reasons for it in the Explanatory Memorandum, so that Parliament was made fully cognizant of the extent and quantum of the subsidy being voted upon and the reasons therefore.

In the light of these principles, the Committee desired that Government should give adequate details of the Export Promotion and Marketing Scheme for which a lump sum provision of Rs. 40 crores had been made in the Demands for the Ministry of Commerce for 1968-69. The explanatory note appended to the Demand did mention the major items on which this amount was to be utilised, but did not indicate as to how much would be specifically spent on each of them. The Committee felt that, in the interest of effective Parliamentary Control, this lump sum provision should be broken down into its major constituent schemes and shown specifically under each detailed head in the Demand with suitable explanatory notes.

The Committee also desired that the statements showing the financial results of State Trading in Foodgrains should be incorporated along with adequate details in the explanatory note to the relevant Demand for Grants.<sup>17</sup>

In reply the Ministry of Finance informed the Committee that the subsidies paid by Government were being shown distinctly in the Budget documents|Demands for Grants. Citing an example the Government stated that the export subsidies, certain subsidies paid to fertiliser producers (these are no longer in payment now), the subsidies paid to the Food Corporation for selling foodgrains at less than

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<sup>16</sup>P.A.C. 50th Report (1968-69), paras 1.14 to 1.19.

<sup>17</sup>P.A.C., 11th Report (1967-68), paras 1.77 to 1.84.

economic cost, certain subsidies paid in lieu of concession in interests rates, etc., were shown distinctly in the relevant Demands for Grants, with an appropriate write-up in the relevant section of the Budget documents. In the case of the purchase and sale of foodgrains, the trading loss in a year was written off over a period of years and such write off was distinctly exhibited in the relevant Demands for Grant. According to the Ministry, all the details regarding the Trading Scheme, including the quantities handled, the purchases and sales and losses, were reported by the Comptroller and Auditor General in his Annual Audit Reports.

The Ministry, however, reviewed the existing arrangements regarding (i) Export Promotion Schemes, (ii) Foodgrains Transactions; and (iii) Other Items of Subsidies, in the light of the Committee's recommendations and proposed to adopt the revised procedure with effect from 1969-70.

(i) *Export Promotion Schemes* : The Budget Provision which was being shown against a single sub-head "Export Promotions and Marketing Schemes" would, according to revised procedure, be split up into five heads, namely, (i) Products Promotion Assistance; (ii) Commodity Development Assistance; (iii) Export Credit Development Schemes; (iv) Grants-in-aid and Contribution to Export Development Organisations, and (v) Grants-in-aid for Market Development.

The Ministry stated that the provision would be suitably explained in the Budget documents but it would not be practicable to give either the commodity-wise break-up or other details, because, in the first instance, the number of items/commodities was very large, and secondly, any such exhibition would lead to problems of commercial policy and have other repercussions, which would not be in the interest of the country.

(ii) *The Foodgrains Transactions*: The Ministry further, informed the Committee that the provision for subsidy in foodgrains transactions would be exhibited in future against a distinct sub-head in the relevant Demand for Grants. While commodity-wise details in respect of the previous years would be given, it would not be practicable to give similar details in respect of the year current at the time the Budget was presented and the Budget year.

(iii) *Other Items of Subsidies* : The Ministry added that all other items of subsidies paid by Government would similarly be shown distinctly on the Demand for Grants."

New items of subsidies, the Ministry stated, would be treated as New Service and likewise augmentation in existing provision of over Rs. 10 lakhs in respect of any item of subsidy would be treated as New Instrument of Service.

#### *IV. Other cases of Expenditure*

In regard to expenditure incurred by Government on setting up of Commissions or Committees of Enquiry, Government had represented to the Public Accounts Committee that the limit of such expenditure for obtaining Parliamentary approval might be raised from Rs. 2 lakhs to Rs. 4 lakhs.<sup>18</sup>

As regards other cases of Government expenditure (*i.e.* other than the works expenditure for which limits had already been prescribed), Government proposed that they would continue to observe the general instructions that expenditure arising out of new policy decisions or new activities should be treated as "new service" and expenditure on important extension of existing activities as "new instruments of service", each case being considered on merits.<sup>20</sup>

The Committee expressed their agreement with these arrangements which were proposed to be given effect to from 1st April, 1968 and would be reviewed "after three years".<sup>21</sup>

#### *V. Posts and Telegraphs, Railways and Defence Organisation*

The Public Accounts Committee desired that the principles enumerated above should also be made applicable to the Posts and Telegraphs, Railways and Defence Organisation, subject to the condition that in the case of Defence Organisation, Government should be free to decide in each case the extent to which information could be given in the Budget papers consistent with considerations of security<sup>2</sup>.

<sup>18</sup>P.A.C. 50th Report (1968-69), pages 19 to 21.

<sup>19</sup>P.A.C., 11th Report (1967-68), para 1.39.

<sup>20</sup>*Ibid.*, para 1.40

<sup>21</sup>*Ibid.*, paras 1.41 and 1.85.

<sup>22</sup>*Ibid.*, paras 1.86, 1.95, 1.98, 1.102 and 1.103.



The Ministry of Finance agreed with the Committee in so far as their recommendations related to the applicability of the aforesaid principles to the Posts and Telegraphs and Railways."

As regards the Defence Organisation, the Ministry informed the Committee that the criteria accepted in the case of Departmental| Public Sector Undertakings as also private sector concerns and institutions would apply to Defence side, including Defence Production. In so far as Departmental Undertakings were concerned, the Ministry Stated that the limits would be applied to Ordnance factories as a whole and not to each factory separately. The Ministry further informed the Committee that in so far as Defence works were concerned, the limits laid down on the civil side would apply, but for security considerations a list of Defence works would not be published in Budget papers."

*It is both necessary and desirable that the Government of a democratic people should be active and powerful, and our object should not be to render it weak or indolent, but solely to prevent it from abusing its aptitude and strength.*

Tacqueville.

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<sup>28</sup>P.A.C., 50th Report (1968-69), pp. 12 & 13.

<sup>24</sup>*Ibid.*, p. 13.

## SHORT NOTES

### **(a) PARLIAMENTARY EVENTS AND ACTIVITIES**

#### **(i) Spring Meetings of the Inter-Parliamentary Union**

Spring Meetings of the Inter-Parliamentary Union were held in Monaco in March-April, 1970. The delegates from India were :—

1. Dr. G. S. Dhillon, Speaker, Lok Sabha—Leader of the delegation.
2. Dr. N. Sanjiva Reddy, M.P.
3. Shri Vikram Chand Mahajan, M.P.
4. Shri M. K. Mohta, M.P.

The Indian Delegates attended the meetings of the Study Committees of the Inter-Parliamentary Union as well as the meetings of the Inter-Parliamentary Council held there. Dr. Sanjiva Reddy, who is a Member of the Executive Committee of the Inter-Parliamentary Union, also attended the meetings of the Executive Committee held there.

The Inter-Parliamentary Council adopted resolutions on the following subjects:—

- (1) Judicial measures to be taken for effectively safeguarding the freedom and security of national and international civil air communications.
- (2) The rebirth of nazism and racial intolerance.
- (3) Status of the Inter-Parliamentary Union in Switzerland.

#### **(ii) Indian Parliamentary Association Symposium**

[New Delhi—May, 1970]

A symposium under the auspices of the Inter-Parliamentary Association was held in the Central Hall, Parliament House, New Delhi on Saturday, the 2nd and Sunday, the 3rd May, 1970 on the following subjects :—

- (1) Role and Position of Governors.
- (2) Centre-States Relations.

The Symposium was inaugurated by the Vice-President of India and Chairman of Rajya Sabha, Shri G. S. Pathak.\*

The Speaker of Lok Sabha, Dr. G. S. Dhillon, who is the Chairman of the Indian Parliamentary Association, presided over the Symposium.\*

Delegates from Parliament and Delegates|Observers from almost all the State Legislatures of India, participated in the Symposium.

Late Shri P. Govinda Menon, the then Minister of Law, initiated the discussion on 'Role and Position of Governors'. Shri Morarji Desai, M.P. initiated the discussion on 'Centre-State Relations'.\*

(iii). Visit of Senator the Hon'ble Sir Alister McMullin, President of the Senate of Australia.

Senator the Hon'ble Sir Alister McMullin, President of the Senate of Australia, visited India in May, 1970.

Besides Delhi, he visited Chandigarh.

### (B) PRIVILEGE ISSUES

**Alleged derogatory remarks against a Member by another Member in the House.**

*In Rajya Sabha*

On April 1, 1970, Shri M. S. Gurupadaswamy stated in the House that on the previous day, a Member, Shri Niren Ghosh, had made certain derogatory remarks in the House against another Member Shri Raj Narain. He said that Shri Niren Ghosh had remarked that Shri Raj Narain was in the pay of Shri C. B. Gupta. Shri Gurupadaswamy urged the Deputy Chairman to ask Shri Ghosh to withdraw his remarks and to express regret.

After some discussion, the Deputy Chairman ruled as under:—

"Actually Mr. Niren Ghosh should not have used such language. Such remarks are not in consonance with the dignity and decorum of the House. Perhaps he might have used this language in the heat of passion. But undoub-

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\*Speaker Dr. Dhillon's Welcome Address, Vice-President Shri Pathak's Inaugural Speech and summary of points made at the Symposium have been included elsewhere in this issue.

tedly the language used was deprecatory and hon. Members should not use such language which will mar the dignity and decorum of the House. We have discussed the matter at length. The reports have already been prepared and, therefore, it will not be possible to expunge these remarks or something like that. But such deprecatory language should not be used and I hope Mr. Niren Ghosh also in future will not use deprecatory language."

### **Circulation of copies of Finance Bill before its introduction in Lok Sabha.**

#### *In Rajya Sabha*

On March 2, 1970, Shri Godey Murahari, a Member stated on a point of order that the Finance Bill was introduced at a sitting of Lok Sabha at 10.00 P.M. on February 28, 1970, but copies of it had been circulated to all the Members of both Houses and others earlier that day. He contended that the Budget proposals were thus leaked out before the Finance Bill was actually introduced in Lok Sabha.

The Chairman (Shri G. S. Pathak) observed that he would ascertain the facts from the Government and then give his ruling.

On March 12, 1970, the Chairman ruled as follows:

"Under Article 112 of the Constitution a statement of the Estimated Receipts and Expenditure of the Government of India in respect of every financial year has to be laid before both Houses of Parliament. Pursuant to this provision a statement of the Estimated Receipts and Expenditure of the Government of India 1970-71 was laid on the Table of the Rajya Sabha on February 28. This Statement does not include the Finance Bill which is not laid on the Table of the Rajya Sabha at this stage. The Finance Bill is introduced in the Lok Sabha and will be formally laid on the Table of the Rajya Sabha only after it is passed by that House. No question of leakage of the Budget is involved as the taxation proposals contained in Part B of the Budget had been known to the Members of the Lok Sabha during the Budget Speech and the Budget Papers were distributed after that Speech.

Copies of the Finance Bill, however, form part of the Budget Papers circulated to the Members. The Rajya Sabha Members got their Budget Papers distributed at their residences on the night of February 28. We in the Rajya Sabha are not concerned with the question of circulation of the Finance Bill before its formal introduction in the Lok Sabha. This is a matter for the Lok Sabha. The facts and circumstances relating to this, it appears, were explained to the Lok Sabha at its special sitting on February 28 when the Bill was formally introduced in that House.

The matter should, therefore, end there."

### **Moving of a Motion not put down on the Order Paper**

#### *In House of Commons U.K.*

On February 12, 1970, Mr. Sheldon, a Member, sought to raise<sup>1</sup> a question of privilege regarding the procedure followed in the House in adopting a motion<sup>2</sup> moved by the Attorney-General on February 11, 1970 regarding permission to certain officers of the House of Commons to produce certain documents before a Court and to give evidence thereon. Mr. Sheldon stated that the House was not informed of this Motion as it was not included in the Order Paper of the day.

The Speaker reserved his ruling for February 13, 1970.

On February 13, 1970, the Speaker, disallowing the question of privilege ruled as under:

"It is true that the House enjoys full protection under the Bill of Rights for proceedings in Parliament, and these proceedings, which undoubtedly cover the proceedings of Select Committees appointed by the House, ought not to be called in question in any court or place outside Parliament. At the same time, the House has long had regard to the rights and duties of other courts outside this High Court of Parliament, and when an occasion arises, as it did in this case, when its proceedings are relevant to the work of another court, the House has been ready to entertain a Petition for evidence to be given and for its proceedings to be produced.

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1. H.C. Deb., dt. 12.2.70 cc 1460-61.

2. H.C. Deb., dt. 13.2.70 cc 1599-1600.

The petition of the Director of Public Prosecutions, which was presented by the Attorney-General and read by the Clerk at the Table, was wholly in accord with the usual rules of the House, and indeed, had it not been so, Mr. Speaker would not have allowed it to be presented.

Following its presentation, a motion was moved, without notice, but again entirely in accordance with the long-established practice of the House, for leave to be given to enable committee documents to be produced in court supported by the evidence of certain Clerks. The motion for this purpose was moved by Mr. Attorney-General, who made an explanation of the circumstances, and the House agreed. If any Member had objected to the motion, debate upon it could have taken place on any subsequent day. There being no objection, however, the motion was agreed to in the usual way.

I am afraid that it would not be proper for the chair to say anything further on the merits of the submission made by the hon. Member. All I have to rule now is whether he has established a *prima facie* case of breach of privilege which would entitle the matter to be given priority over the Orders of the Day. After giving very full consideration to all that he said yesterday, I have to rule that he has not established a *prima facie* case of breach of privilege, and, consequently, the matter cannot be proceeded with now. This does not prevent the hon. Gentleman putting down a motion if he so desires."

**Permission to Officer of the House to produce certain documents before Court and to give evidence thereon.**

*In House of Commons, U.K.*

On February 11, 1970, the Attorney-General (Sir Elwyn Jone) presented a petition to the House from Sir Norman Skelhorn, Director of Public Prosecutions, requesting for leave being granted to certain officers of the House to produce certain documents before a Court and to give evidence thereon. The petition was then read by the Clerk of the House, which was as follows:—

"To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.

The Humble Petition of Sir Norman Skelhorn, K.B.E.,  
Q.C., Director of Public Prosecutions.

**SHEWETH**

That reference is desired to be made in the proceedings in the courts of law against William James Owen, Member of Parliament for Morpeth, in respect of a charge under Section 1(i)(c) of the Official Secrets Act, 1911, to documents laid before the Select Committees on Estimates and their Sub-Committees, together with the minutes of evidence, the minutes of proceedings and the reports of the said committees, during sessions 1959-60 to 1964-65 and to office papers relating thereto; and that the evidence of John Peter Scott Taylor, a Deputy Principal Clerk of this House, and Robert Vidal Rhodes James, a senior Clerk of this House on secondment, touching upon such matters as is relevant to the said proceedings in the courts.

Wherefore your Petitioner Prays that your Honourable House will be graciously pleased to give leave to the said Clerks of this House to attend the said proceedings in the courts, to produce the said documents, minutes, reports and Papers and to give evidence in relation thereto.

And your Petitioner, as in duty bound, will ever Pray, &C."

The Attorney-General, thereafter, moved the following motion:—

"That leave be given to the said Clerks to attend and produce the documents, minutes, reports and papers, and give evidence accordingly."

While moving the above motion, the Attorney-General stated as follows:—

"When it is desired to produce evidence of proceedings before the House or before any Committee of the House, it is necessary to petition the House praying that the proper Officer may attend and produce the evidence. The House will find the relevant reference in Erskine May at page 64. In this case, it is necessary for the prosecution in court proceedings against the hon. Member for Morepeth to refer to certain Select Committee documents, and according to the

law and practice of Parliament, such documents can be produced and evidence on them given by the Clerks concerned only if the House gives leave.

The motion is in the ordinary form and has been adopted by the House on several previous occasions. The House will appreciate that it would be quite improper to discuss the details of the case against the hon. member, indeed it could be prejudicial to him to do so. But I can give the House this assurance. I personally have considered the evidence and am entirely satisfied that it is necessary for the administration of justice that those documents should be produced and that the Clerks named in the Petition should be available as witnesses to produce the documents and to give evidence relating to them."

The motion was then put and agreed to by the House.

#### **Shouting of slogans and throwing of Pamphlets by Visitors from the Visitors' Gallery.**

##### *In Kerala Legislative Assembly*

On August 5, 1969, at 8.15 A.M., two persons from the Visitors' Gallery shouted<sup>1</sup> slogans and threw pamphlets on the Floor of the House. They were immediately taken into custody and produced and examined before a committee of the House, consisting of leaders of all the parties in the Assembly. The offenders pleaded guilty and admitted that they had committed the offences and with the full knowledge of the seriousness of the offence.

Shri T. K. Krishnan, a member, then moved<sup>2</sup> the following motion incorporating the decision of the Committee, which was adopted by the House :

"This House resolves that the persons calling themselves Shri G. Mahanan and Shri V. Vanajakshan, who shouted slogans and threw some pamphlets from the visitors' Gallery on the Floor of the House at 8.15 A.M. today, the 5th August, 1969, and who were taken into custody immediately thereafter, have committed a grave offence and are guilty of gross contempt of this House. This House further resolves that they be sentenced to two months' simple imprisonment and be sent to the Central Prison, Trivandrum."

<sup>1</sup> Kerala Legislative Assembly Deb. Dt. 5-8-1969, (Original in Malayalam)

<sup>2</sup> Ibid.



In pursuance of the above decision of the House, the Speaker issued the necessary warrant\* for their commitment to the Superintendent, Central Prison Trivandrum.

\*From

The Speaker,  
Kerala Legislative Assembly,

To

The Superintendent,  
Central Prison,  
Trivandrum.

Whereas the Kerala Legislative Assembly has adopted the following motion to-day the 5th August, 1969.

"This House resolves that the person calling themselves Shri G. Mahanan and Shri V. Vanjakshan who shouted slogans and threw some pamphlets from the Visitors' Gallery on the floor of the House at 8.15 A.M. today the Fifth of August 1969 and who were taken into custody immediately thereafter have committed a grave offence and are guilty of gross contempt of this House. This House further resolves that they may be sentenced to two months of simple imprisonment and be sent to the Central Prison, Trivandrum."

Now, therefore, I.D. Damodaran Potti, Speaker, Kerala Legislative Assembly in pursuance of the above decision of the Kerala Legislative Assembly by this warrant of commitment require the Superintendent, Central Prison, Trivandrum to take into custody the said Shri G. Mohanan<sup>3</sup> and to keep him safely in the Central Prison, Trivandrum, for a period of two months from this fifth day of August, 1969.

Herein fail not.

Given under my hand and seal at Trivandrum, this, fifth day of August, 1969.

Speaker,  
Kerala Legislative Assembly.\*

<sup>3</sup> An identical warrant of Commitment was issued in respect of the other offender, namely Shri V. Vanajakshan.

**Correction in the Budget proposals after their presentation to the House, without the permission of the House.**

*In Kerala Legislative Assembly*

On June 27, 1967, Shri K. Karunakaran, a Member, sought<sup>1</sup> to raise a question of privilege against the Minister of Finance, Shri P. K. Kunju for making a correction in the Budget proposals for 1967-68 by deleting the words 'passenger fares' from the following sentence, without the permission of the House, after the Budget had been presented to the House :

"I propose to make some changes in the existing law relating to the Motor Vehicles Tax, passenger fares and goods tax with a view to raising the existing rates slightly. By this process, we can raise the revenue to the extent of Rs. 55 lakhs per year."

Shri Karunakaran contended that the Minister had altered the Budget without the permission of the House and thereby committed a breach of privilege.

The Minister of Finance, Shri P. K. Kunju, stated that the mistake in the printed Budget speech was detected only after he had presented the Budget to the House and that in order to avoid any misunderstanding among the people, he wanted to correct it before the Budget was taken up for discussion in the House. He added that he had duly informed the Speaker of his desire to delete the relevant words from the Budget speech.

Disallowing the question of privilege, the Speaker ruled, *inter alia*, as follows :

"Even though no mistake should occur in such important matters, if for some reasons, a mistake does occur it should be brought to the notice of hon. Members without delay. . . . . The hon. Finance Minister has not done anything in violation of the privileges of the House. The other

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1. Kerala Legislative Assembly Deb. dt. 27-6-1967, (Original in Malayalam).

question is about the procedure followed in this particular case. Naturally, if there was a sitting of the House on the next day, the mistake could have been admitted on the floor of the House. After the adjournment of the House on Friday, the next sitting of the House could be held only on the following Monday. For this reason, the Minister of Finance thought that it would not be proper on his part to keep quiet without correcting the mistake till Monday. . . . . He wanted the mistake to be corrected as early as possible and for this purpose he wrote to me so that hon. Members might be informed of this correction. The only responsibility of the Speaker in this was to publish this letter for the information of all the hon. Members. *Prima facie*, I do not think that the hon. Minister has done anything in violation of the privileges of this House. Therefore, I rule this motion out of order.

**Shouting of slogans and throwing of handbills from the Visitors' Gallery on the floor of the House.**

*In Madhya Pradesh Vidhan Sabha*

On January 7, 1970, at 11.30 A.M., during the Address of the Governor, some persons from the Visitors' Gallery shouted<sup>1</sup> slogans and threw handbills on the floor of the House. They were immediately taken into custody by the security staff. Some time thereafter, Shri Ramkishore Shukla, Chairman, Committee of Privileges, moved the following motions which were adopted by the House:—

(i) "This House resolves that the person calling himself Baljendra Pal Singh, who shouted slogans from the Visitors' Gallery during the Governor's Address at 11.30 A.M. today and thus interrupted the proceedings of the House and who was immediately taken into custody by the Security Officer, has confessed his guilt and is, therefore, guilty of committing a contempt of the House.

This House further resolves that he be sentenced to simple imprisonment till the rising of the House today."

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<sup>1</sup> M.P. Vidhan Sabha deb. dt. 7-1-1970. (Original in Hindi).

(ii) "This House resolves that the persons calling themselves (1) Vijay Kumar Mirchiwala, (2) Shantilal Bajoria, (3) Subhash Jain, (4) Ramesh Unthwala and (5) Jagat Pathak who threw handbills and shouted slogans from the Visitors' Gallery at 11.30 A.M. today during the Governor's Address and thus interrupted the proceedings of the House, and who were immediately taken into custody by the Security Officer, have committed a gross contempt of the House and are guilty of contempt of the House.

This House further resolves that these five persons be sentenced to three days' simple imprisonment".

In pursuance of the aforesaid second motion adopted by the House, the following Warrant of Commitment, addressed to the Superintendent, Central Jail, Bhopal was issued by the Speaker:—

#### 'WARRANT OF COMMITMENT'

Whereas the Madhya Pradesh Vidhan Sabha has adopted the following motion today, the 7th January, 1970:—

"This House resolves that the persons calling themselves (1) Vijay Kumar Mirchiwala, (2) Shantilal Bajoria, (3) Subash Jain, (4) Ramesh Unthwala and (5) Jagat Pathak, who threw handbills and shouted slogans from the Visitors' Gallery at 11.30 A.M. today during the Governor's Address and thus interrupted the proceedings of the House, and who were immediately taken into custody by the Security Officer, have committed a gross contempt of the House and are guilty of contempt of the House.

This House further resolves that these five persons be sentenced to three days' simple imprisonment."

Now, therefore, I, Kashi Prashad Pande, Speaker, Madhya Pradesh Vidhan Sabha, in pursuance of the above resolution of the Vidhan Sabha, by this Warrant of Commitment require the Superintendent, Central Jail, Bhopal, to

take into his custody the said (1) Vijay Kumar Mirchiwala, (2) Shantilal Bajoria, (3) Subhash Jain, (4) Ramesh Unthwala and (5) Jagat Pathak, and to keep them safely in the Central Jail, Bhopal for three days.

Herein fail not.

Given under my hand at Bhopal, today, the 7th January, 1970.

(Sd.) Kashi Prasad Pande,  
Speaker, Madhya Pradesh Vidhan Sabha.

To

The Superintendent Central Jail, Bhopal".

#### **Alleged misbehaviour by an official towards a Member**

##### *In Madhya Pradesh Vidhan Sabha*

On October 3, 1963, the Speaker informed the House that he had received notice of a question of privilege from Shri Gulab Chand Tamoth, a Member, that on September 24, 1963 Shri S. V. Nayak, Public Health Engineer, Rewa, had called Shri Misrilal Vishwakarma, another Member, to the dak bungalow at Umaria, District Shahdol, misbehaved with him and threatened that if the Member took any action against the official in the House, he would make the Member forget that he was an M.L.A.

The Speaker asked Shri Vishwakarma to meet him and explain personally how he was ill-treated. The Speaker observed that he would bring the matter before the House after the Member had met him.

On October 8, 1963, the Speaker observed that the question of privilege sought to be raised was in order. Shri Gulab Chand Tamoth, thereupon, sought leave of the House to raise the question of privilege.

After the House had granted leave to raise the question of privilege the Chief Minister, Shri D. P. Mishra moved a motion that the matter be referred to the committee of privileges, which was adopted by the House.

The Committee of Privileges, in their Fourth Report, presented to the House on February 22, 1965, reported, *inter alia*, as follows:—

“The main point for consideration in the case is whether a threat was given by Shri Nayak to Shri Vishwakarma, Member, Legislative Assembly, in the discharge of his duties as a member of the Assembly.

Shri Nayak deposed before the Committee that he was fully aware of the prestige and dignity of the Members of the Legislative Assembly and was also aware of their privileges. He, therefore, could not even think of showing any disrespect to them.

According to him, Shri Vishwakarma, member, Legislative Assembly, was already annoyed with him and, therefore, he had levelled a false charge of breach of privilege against him with a view to defame him and his department.

At the time of cross-examination of Shri Nayak, Shri Vishwakarma stated that in addition to Shri Nayak, some peons were present in the Dak bungalow and Shri Aditya Nath Singh, Chairman, Municipal Committee, was not present. The peons were standing below in the compound of the Dak Bungalow. Shri Satish Chandra the witness of Shri Vishwakarma, also stated that nobody else was sitting there, only the servants, etc. were standing and he was listening to the talk of Shri Nayak from a distance of 20 or 25 feet and he heard Shri Nayak telling Shri Vishwakarma that in case he took any action against him in the Legislative Assembly, he would make him forget that he was an M.L.A. Shri Satish Chandra also stated that Makrand Prasad and Krishna Kumar were also there with him and that they also waited there and listened to the said conversation for ten to twelve minutes. Makrand Prasad (the other witness of Shri Vishwakarma) also stated that he listened to the conversation between Shri Nayak and Shri Vishwakarma sitting in Dak Bungalow at a distance of 25 or 30 feet for three or four minutes. Makrand Prasad also heard the entire talk that Shri Nayak told Shri Vishwakarma that he would make him forget that he was an M.L.A.

Shri Aditya Nath Singh said in his statement that Shri Nayak did not ask Shri Vishwakarma to leave or get out of the Dak Bungalow and he did not say that in case Shri Vishwakarma complained against him, he would make him forget that he was an M.L.A.

Shri Aditya Nath Singh further added that at the time this conversation was going on, two overseers were sitting in the Varandah at a distance of 7 or 8 steps and one of them was Shri Sharma. Sarvashri Satish Chandra and Makrand—the witnesses of Shri Vishwakarma had referred to the presence of two persons there but stated that they did not recognise them. This shows that according to Shri Aditya Nath Singh there were two overseers there.

The Committee recorded the evidence of Shri O. P. Sharma, an Overseer. According to Shri Sharma there was nothing in the talks to reveal that Shri Nayak had asked Shri Vishwakarma to leave the Dak Bungalow or to make him forget that he was an M.L.A. Shri Vishwakarma also, while cross-examining Shri O. P. Sharma, did not ask any clarification from him in this connection.

The Committee are of the view that the statement of Shri Aditya Nath Singh, Chairman, Municipal Committee and Shri Om Prakash, Overseer are more reliable. The Committee have, accordingly, arrived at the conclusion that it has not been proved that Shri Nayak had used derogatory remarks against Shri Vishwakarma or given any threat which might constitute a breach of privilege of the House or of the Member.

As the charge levelled against Shri Nayak in the case has not been proved, the Committee recommend that no further action be taken in the matter and that the case be treated as closed."

**No further action was taken by the House in the matter.**

**Alleged misleading of the House by a Minister.***In Madhya Pradesh Vidhan Sabha*

On September 14, 1964, the Speaker informed<sup>1</sup> the House that he had received two notices of a question of privilege, one from Shri Yamuna Prasad Shastri and the other from Sarvashri Laxmi Narain Pande, Hari Bhau Joshi, Sunder Lal Patwa and Bhal Chandra Bagdare, Members, against the Minister of State for Forest and Home (Shri B. R. Uike). The Members had alleged in their notices that the Minister, while speaking on an adjournment motion regarding lathi charge by police on peaceful demonstrators in Bhind, had misled the House by stating that the police had not resorted to any lathi charge, while the news reports which had appeared in the Press on September 13, 1964, had reported that the police had resorted to a lathi charge on the demonstrators.

After some discussion, disallowing the question of privilege, the Speaker ruled as under:—

“I would like to tell the House that the points raised in the notice of breach of privilege are disputed. Whatever has been said on behalf of Shri Patwaji has been refuted on behalf of the Government.

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Therefore, the information supplied by the Minister to the House is based on the information received from Districts. It is thus not proper to impute any motives to the Ministers.

\* \* \* \*

I do not give my consent.”

**Alleged use of unparliamentary language and threat to a member by a Minister in the House.***In the Rajasthan Vidhan Sabha*

On August 29, 1969<sup>1</sup>, Shri Sanwormal Basotia, a Member, while speaking on the famine relief work, was interrupted by the Minister of Famine Relief, Shri Parasram Maderna. Shri Maderna while interrupting Shri Basotia had used the words “Are you not ashamed?” and

1. M.P. Vidhan Sabha Deb. dt. 14-9-64 (Original in Hindi).



"We will not tolerate it", and made threatening gestures towards Shri Basotia. Thereupon, Sarvashri Bhairon Singh and Satish Chandra Aggrawal, Members, gave notices of question of privilege on the issue against the Chief Minister and the Minister of Famine Relief.

On September 3, 1969<sup>1</sup>, disallowing the question of privilege, the Speaker ruled, *inter alia*, as follows:

"In order to seek clarification about the facts of the question of privilege, I wrote letters to Shri Sanwarmal Basotia, Shri Parasram Maderna, Minister of Famine Relief and to the Chief Minister. The Chief Minister replied that the incident, which was discussed at the Congress Party meeting was an internal matter of the Congress Party.

Even otherwise, it has not been shown how the Chief Minister was connected with the incident which took place in the House. In his capacity as Leader of the House and Leader of the Congress Party, the Chief Minister has full authority to consider and decide cases of indiscipline relating to members of his party. Every party, under its constitution, is free to adopt such procedure. Democratic procedure is based on the organisation of the political parties. As such, this aspect of the question is not within my jurisdiction.....

I have gone through the proceedings of the House and the words and language (other than the charges) used by both the sides at that time are not so unparliamentary that they may be considered to be objectionable or should constitute contempt. 'To be ashamed', 'to talk of not tolerating' any thing, 'to threaten' are words which are quite commonly used in a tense atmosphere although it is essential to have a check on them. But in the context, I do not think that they constitute breach of privilege.....

I do not consider that the conduct of two hon. Members during the proceedings of the House, or thereafter, was such as to constitute a breach of privilege. In the circumstances, I do not give my consent."

1. Rajasthan Vidhan Sabha Deb, dt. 29-8-1969 (Original in Hindi).

2. *Ibid* dt. 3-9-1969.

**Alleged misleading statement made by Chief Minister in House  
regarding arrest of a Member.**

*In U.P. Vidhan Sabha*

On August 5, 1969, the Speaker read out a notice of question of privilege against the Chief Minister, Shri C. B. Gupta, given by Shri D. P. Bora, a Member, stating that on August 4, 1969 while speaking during the discussion on the notice of question of privilege regarding his (Shri Bora's) arrest on the 2nd August, 1969, the Chief Minister had deliberately given certain irrelevant information about him so that the House and Members might form a bad opinion about him. Shri Bora, in his notice, had further stated that the Chief Minister had informed the House that a case relating to alleged burning of the effigy of Shri Charan Singh, former Chief Minister, was pending against him in the Court, although he had been acquitted by the Court in that case. By doing so, Shri Bora contended in his notice, the Chief Minister had deliberately misled the House and thereby committed a contempt of the House.

The Speaker asked the Chief Minister the basis on which he had given that information to the House and whether he was aware of Shri Bora's acquittal in that case.

The Chief Minister, Shri C. B. Gupta, thereupon stated as follows:

“The information was received from the District Magistrate, Lucknow, in my office *i.e.*, Home Secretary's Office on the 3rd August, 1969. In that information there was no mention that Shri Boraji had been acquitted in case No. 1146, Hazrat Ganj Police Station, dated 13th October, 1970 under Section 6. Today morning, the District Magistrate did meet me and I told him that Shri Bora had stated that he was released on the 18th, and asked him how he was not aware of it. He regretted that he came to know only today from his officials that whatever Boraji said in the House was true. I am also sorry that the District Magistrate did not include this information in the information sent to Government but he mentioned all other cases stated by me. I am again sorry for this lapse on the part of District Magistrate.....”

The Speaker observed that in view of the regret expressed by the Chief Minister, the matter might be treated as closed.

The matter was thereafter closed.

**Posting of police near the residences of Legislators.**

*In U.P. Vidhan Sabha*

On August 5, 1969, the Speaker (Shri A. G. Kher) informed the House that he had received a notice of question of breach of privilege from Shri Krishna Swarup Vaishya which read as follows:—

“Police has been posted near the residences of legislators with a view to terrorise members of opposition. A CID policeman has been posted at my residence also. In my absence he enquires from my neighbours about my whereabouts. This hampers the work of hon. Members. The object of posting police is to keep Government informed of the activities and plans of legislators. It is highly humiliating to the Legislators. The residences of legislators are under the care of the Speaker. The presence of police there is contempt of Members. We, therefore, raise a question of breach of privilege against the Home Minister, Shri C. B. Gupta.”

After some discussion, the Chief Minister, Shri C. B. Gupta, who also held the Home portfolio, stated as follows:

“The safety of each member is the responsibility of Government and whenever any member asks for his protection the protection of the police is provided to him. Even today some of the Members receive police protection or have been receiving for some time past. Police is posted at the residences of Ministers also but it does not hamper their work. Police is also posted at the residence of the leader of the opposition but it does not hamper his work. I do not think that the posting of police causes obstruction or can cause obstruction in the work of hon. Members.”

Thereupon, the Speaker ruled that the matter did not involve a question of privilege.

**(C) PROCEDURAL MATTERS****Portions of personal explanation not forming part of text of statement supplied to Speaker, expunged.***In the Lok Sabha*

On the 19th May, 1970, Shri J. N. Biswas who had supplied the text of his proposed statement to the Speaker in advance, made a personal explanation with reference to certain remarks about him made by Shri Hukam Chand Kachwai in the House on the 14th May, 1970. After reading the text given by him to the Speaker he added certain remarks about Shri H. C. Kachwai to which objection was taken by a number of members. The Speaker, thereupon, expunged the portions of the statements containing reflections on the conduct of Shri Kachwai, which had not formed part of the text supplied to him in advance by the Member.\*

**Question of Special Majority required for the passing of Constitution Amendment Bills referred to Rules Committee***In the Lok Sabha*

On the 28th April, 1970, on the motion for consideration of the Constitution (Amendment) Bill (Omission of Article 314) by Shri Madhu Limaye, the House divided: Ayes 213; Noes 21. The motion was declared as not carried by the requisite special majority and the Bill was, accordingly, not proceeded with further.

On the 8th May, 1970, Shri Madhu Limaye raised the matter under rule 377 and submitted that according to the provisions of Article 368, the special majority mentioned therein was required only for voting at the third reading stage of the Bill and not at all stages as stipulated in Rules 155, 157 and 158 of the Rules of Procedure. He also quoted the opinion of the Attorney General given in 1951 that special majority insisted upon by Article 368 was applicable only to the voting of the final stage of a Bill, but that it would be better to err on the safer side and insist on the special majority at all stages of the passage of the Bill. The Rules framed under Article 118 of the Constitution, Shri Limaye pointed out, came into conflict with the provisions of articles 100 and 368 and requested the Speaker to

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\*L.S. Deb., dt. 19-5-1970, C. 213—217.

reconsider the matter and in case of any difficulty suggested the following alternatives:—

(i) The Speaker might request the President to have the opinion of the Supreme Court in the matter under article 143.

(ii) He (Shri Limaye) might be permitted to take the matter to the Supreme Court.

(iii) The matter might be referred to the Rules Committee.

Replying to the points raised by Shri Limaye, the Minister of Law stated that the rules framed under Article 118 for amending the Constitution were valid and within the ambit of various articles of Constitution quoted by the Member but he, however, had no objection to the matter being referred to the Rules Committee.

The Deputy Speaker observed the question would be referred to the Rules Committee<sup>1</sup>.

**No motion for resumption of debate in case of debate of a Private Member's Bill adjourned to specific date and time in Government time.**

*In the Lok Sabha*

On the 24th April, 1970<sup>2</sup>, debate on the Constitution (Amendment) Bill, 1967 (*Omission of Art. 314*) by Shri Madhu Limaye was adjourned to a day allotted for Government Business and Rule 30(1) which required ballot for inclusion of the Bill in the List of Business for further discussion was suspended on the following motions moved by Shri S. N. Dwivedy:—

(i) "That the debate on the Constitution (Amendment) Bill (*Omission of article 314*) by Shri Madhu Limaye be adjourned to Tuesday, the 28th April, 1970 at 6 p.m."

(ii) "That rule 30(1) of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the debate on the Constitution (Amendment) Bill by Shri Madhu Limaye which has been adjourned today to Tuesday, the 28th April, 1970 be suspended."

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<sup>1</sup>L.S. Deb. 24.4.70 c 244-58  
1272 L.S.—8.

On the 28th April, 1970, the Bill was taken up for further consideration at 6.28 p.m. without any motion for resumption of adjourned debate being moved.

**No financial memorandum while circulating Bill as passed by Rajya Sabha in view of its earlier circulation as part of Bill as introduced.**

*In the Lok Sabha*

On the 23rd April, 1970, during the consideration of the West Bengal State Legislature (Delegation of Powers) Bill, as passed by Rajya Sabha, on a point of order raised by a Member, (Shri B. K. Daschowdhury) and supported by certain other Members, the Deputy Speaker agreed with the view that the Bill did not attract rule 69(i)† as copies of the Bill as introduced in Rajya Sabha, accompanied by the financial memorandum, had already been circulated to members of Lok Sabha.

**Minister not of the Ministry concerned, cannot lay Paper on Table of House without prior information to Speaker.**

*In the Lok Sabha*

On the 10th April, 1970 objection was raised by Members to Papers included in the list of Business in the name of some Ministers being laid by a Deputy Minister belonging to a different Ministry. The Speaker, thereupon, observed as follows:—

“The Minister, or in his absence, the Minister of State or the Deputy Minister, should lay the Papers on the Table. In case they are not present, I will not allow any other Minister to lay the Paper on the Table of the House, unless I am duly informed about it.”

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†Under Rule 69(i) a Bill involving expenditure shall be accompanied by a financial memorandum which shall invite particular attention to the clauses involving expenditure and shall also give an estimate of the recurring and non-recurring expenditure involved in case the bill is passed into law.

**Suspension of Rule to waive requirement of notice of Adjournment  
Motion before commencement of sitting of House.**

*In the Lok Sabha*

On the 6th April, 1970, when the House re-assembled after lunch the Leader of the Opposition (Dr. Ram Subhag Singh) and some other Members sought to move adjournment motions regarding lathi charge by the police at Patel Chowk, Parliament Street, New Delhi that afternoon, resulting in injuries to some Members of Parliament and others. The Deputy-Speaker observed that under the rules notices of adjournment motions had to be tabled before the commencement of the sitting of the House. A Member (Shri Era Sezhiyan) thereupon sought to move the following motion for suspension of rule 57 of which he had already given notice separately:

“That rule 57 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to adjournment motion by Dr. Ram Subhag Singh be suspended.”

The Motion was put to vote and adopted by the House unanimously.

The Deputy-Speaker thereupon gave his consent to the moving of the adjournment motion, notice of which was given by Dr. Ram Subhag Singh.

Dr. Ram Subhag Singh asked for leave of the House to the moving of the motion. As no objection was taken, the Deputy-Speaker informed the House that the leave was granted and directed that the motion be taken up immediately.

The discussion commenced at 15.20 hours and concluded at 18.54 hours. After the motion “that the House do now adjourn” was negatived, the other business in the List of Business was taken up.

**Position of Minister who ceases to be a member of either House of  
Parliament**

*In the Lok Sabha*

On the 3rd April, 1970, as soon as the House met, a Member (Shri Atal Bihari Vajpayee) raised a point that due to expiration of the term of her membership of Rajya Sabha, Shrimati Jahanara Jaipal Singh, Deputy Minister of Education and Youth Services, who was present

in the House, was required to take the oath of office and secrecy afresh if she continued to be a Minister and in the absence thereof she was a stranger to the House. Another Member (Shri Madhu Limaye) submitted that it was not only a matter of taking oaths afresh, but she had to be re-appointed as a Minister.

The Minister of Home Affairs informed that Shrimati Jahanara Jaipal Singh had sent in her resignation, but she had been asked by the Prime Minister to continue till the end of the Budget session. He, however, promised to look into the constitutional aspect of the matter. In the meantime Shrimati Jahanara Jaipal Singh left the House.

On the 6th April, 1970 the Minister of Law made a statement on the subject and explained that in the light of the provisions in clause (5) of Article 75 of the Constitution, there was nothing unconstitutional or improper in the Ministers continuing in office and added that this opinion had been confirmed by the Attorney General.

In his opinion, a copy of which had been sent to the Speaker by the Minister of Law, the Attorney General (Shri Niren De) opined as follows:—

“\* \* \* \* \*

The only relevant provision in the Constitution in this regard is Article 75 (4), \* \* \*

\* \* \* it follows that a person who becomes a Minister but at the same time is not a member of either House will cease to be a Minister if he does not become a member of either House within six months, after he assumes office as Minister. From this it would further follow that if after a period of six months he ceases to be a member of either House, the period of six months will again start from the date when he will only cease to be Minister if he is not a member of either House at the expiration of this period of six consecutive months.

This being the position, a Minister who has ceased to be a member of the Rajya Sabha on 2nd April, 1970 can, in my view, continue to be Minister for a period of six



consecutive months but no more without being a member of either House. It would not be necessary for him to resign and then take a fresh oath and thereafter be a Minister."

On the 10th April, 1970 when the matter was again raised by Shri N. G. Ranga and some other Members during the Question Hour, the Speaker observed as under:

"\* \* \* That day it was decided that I should consult the Attorney General and follow his advice. I got his advice, and his advice is that a person, though he or she ceases to be a member of the House, can continue as a Minister for six months, and there was no need for fresh appointment. \* \* \* \*"

**Members to avoid reference in House to matter in which he has direct interest**

*In the Lok Sabha*

On the 30th March, 1970, while speaking on the motion for consideration of Press Council (Amendment) Bill, 1970, as passed by Rajya Sabha, a Member (Shri Prakash Vir Shastri) referred to the affairs of Samachar Bharti. Another member (Shri S. M. Banerjee) raised a point that since Shri Shastri was one of the Directors of the News Agency, it was not proper for him to make any reference about its affairs in the House. The Deputy Speaker held that Shri Shastri should avoid any reference about Samachar Bharti if he had a direct interest in that News agency.

**Even Clarificatory statement of policy made outside should be brought before House at earliest opportunity**

*In the Lok Sabha*

On the 18th March, 1970\*, Shri Madhu Limaye raised a matter under rule 377 regarding the reported announcement made outside the House by the Minister of Industrial Development, Internal Trade and Company Affairs about licensing policy while the House was in session.

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\* S. Deb., 18-3-70, cc. 220—29.

**Minister of Industrial Development, Internal Trade and Company Affairs explained the position as under:—**

“As for the point that Government ought not to have published the notification two or three days before the House met in so far as the policy was concerned, I submit Government have taken these decisions on the basis of material which was before them . . . so far as the notification issued on 13th March is concerned, it is not a notification which gives any information regarding any policy; it is a clarification of the policy enunciated which was adopted on 18th February. Therefore, it is not necessary for us to place that matter before the House.”

Thereupon the Speaker observed as under:

“The question before us was about the statement on major policies. The healthy convention that has been followed and that should be followed here is that on all new or major policies, immediately after the meeting of the House, if that is possible, the matter should come before the House, but in this case the position taken by the Minister is that the notification was in the nature of a clarification of a policy already enunciated . . . Even if it is so, the practice is that immediately following that the Minister makes a statement in this House also, and that we discuss it at the earliest moment.”

**Points of Order re: absence of details in respect of a particular Demand in the Demands for Grants on Accounts ruled out upon explanation of position by Minister**

*In the Lok Sabha*

On the 17th March, 1970 when the Demands for Grants on Account for 1970-71 were placed before the House, a Member (Shri Kunte) raised a point of order that the details of Rs. 275 crores for 1969-70 and Rs. 175 crores for 1970-71 required for “special assistance” to States under Demand No. 114 regarding “Loans and Advances by the Central Government” were not given as required under rule

206(2) and in the absence of these details it would not be regular to vote that Demand on Account. The Speaker reserved his ruling for the next day.

On the 18th March, 1970,\* the Minister of State in the Ministry of Finance explained that the details could not be given as the special loans and assistance would be subject to the State Governments playing their part in mobilising and conserving their resources. It would be after all the State Governments had presented their Budgets and the Planning Commission had examined them in consultation with State Governments that the Central Government would arrive at a decision on the special loan and assistance for each state. He made it clear that the entire assistance under the provision of Rs. 1.75 crores for 1970-71 would be given by way of recoverable loans.

The Speaker observed that he had a discussion with the Minister and also saw the earlier Budgets. The "assistance" was purely a "loan" although it had been referred to as assistance and loans. Since the Minister had clarified the position regarding criteria for distributing the assistance, the point of order was ruled out by the Speaker.\*

#### **Allotment of seat to Deputy Speaker**

##### *In the Lok Sabha*

On the 13th March, 1970 when the Deputy Speaker, who was in the Chair, took objection to a Member (Shri Sheo Narain) making constant interruptions, another Member (Shri T. R. Sonavane) raised a point of order whether the Member (Shri Sheo Narain) could occupy the seat of the Deputy Speaker when the latter was presiding over the House. The Leader of the Opposition (Dr. Ram Subhag Singh) submitted that the seat allotted to the Deputy Speaker in fact belonged to the Opposition. The Deputy Speaker who was in the Chair observed that he would refer the matter to the Speaker.

On the 16th March, 1970 Shri Jyotirmoy Bosu raised the matter under rule 377 regarding the Deputy Speaker's seat in the House and

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\*L.S. Deb., 18-3-70, cc. 230-31.

in support of his argument quoted the following from "Practice and Procedure of Parliament by Kaul" and Shakhder:—

"The Deputy Speaker is allotted the first seat in front row on the left of the Chair. The Leader of the Opposition if any, is allotted a seat in the front row next to the Deputy Speaker."

Shri S. N. Dwivedy and certain other Members submitted that since the recognition of Leader of the Opposition, the first seat on the front row on the left of the Chair should be allotted to him as was the practice in other Parliaments. The Speaker observed that allotment of seats in the House was within his discretion. He had to be guided in the matter not only by the procedure followed in the House of Commons, but had to take into consideration the convention followed in that respect in the House, which had more or less taken the shape of procedure. The first seat to the left of the Chair had always been allotted to the Deputy Speaker.

**Adjourned House called to meet again the same day**

*In the Lok Sabha*

On the 28th February, 1970, when the Prime Minister moved the motion for leave to introduce the Finance Bill, 1970, it was opposed by a Member, Shri S. C. Jha who had given advance intimation to do so under Rule 72. When the Member started speaking, the Speaker observed that legislative competence alone could be challenged at that stage and the principle of the Bill could be discussed only at the next reading of the Bill. The motion for leave to introduce the Bill was later put to vote and adopted by the House. At this stage in the midst of continuous interruptions, before the Bill could be formally introduced by the Prime Minister, the Speaker adjourned the House till the 2nd March, 1970.

Later, certain Members drew the attention of the Speaker in his Chamber to the fact that the Bill had not been formally introduced in the House. In the special circumstances, considering that unless the Bill was introduced, the taxes which were to be collected from that midnight under the Provisional collection of Taxes Act, 1931, could not be so collected although they had been made public, the Speaker exercising the powers under the proviso to Rule 15 directed that Lok Sabha would meet again at 10 P.M. that day for the introduction of the Finance Bill. Members were informed of this through a para in Bulletin Part II, which read as follows:

“Under rule 15 of the Rules of Procedure and Conduct of Business in Lok Sabha, the Speaker has directed that Lok Sabha, which had been adjourned till Monday, the 2nd March, 1970 will now sit at 10 P.M. today, the 28th February, 1970.

All Members are requested to attend.

List of Business for the sitting is being circulated herewith.”

A List of Business containing the item regarding introduction of the Bill was also issued simultaneously.

When the House met at 10 P.M. several Members raised points regarding the unprecedented reconvening of the sitting of the House at a very short notice. After the Speaker explained the position, the Prime Minister introduced the Bill at 10.55 P.M. Thereafter, the House was adjourned to meet again at 11 A.M. on the 2nd March, 1970.

**Demand for reduced amount moved with permission of Speaker**

*In the Lok Sabha*

During the Tenth Session, Demands for Grants (Railways), 1970-71 were presented to the House on the 23rd February, 1970. On the 12th March, 1970 the Minister of Railways addressed a letter to the Secretary requesting for Speaker's permission to move Demand No. 18 relating to Appropriation to Development Fund for a reduced amount. *i.e.* for Rs. 574.59 lakhs instead of Rs. 1874.59 lakhs.

The request of the Minister was acceded to. A statement indicating the reduced amount of Demand No. 18, as proposed by the Minister, was circulated to Members. On the 25th March, 1970, when the Demands were taken up, the Minister explained the position in the House. The Demands were voted by the House in the modified form

**Personal Explanation by a Member allowed in respect of reference to him made in the other House***In the Lok Sabha*

Where allegations had been made in Rajya Sabha against a member of Lok Sabha, the Speaker permitted the affected Member of Lok Sabha to make a personal explanation in the House to clarify his position.

On the 30th August 1969, Shrimati Sharda Mukerjee made a personal explanation about certain statement made by a Member of Rajya Sabha (Shri Bhupesh Gupta) in that House on the 29th August, 1969.

On the 1st April, 1970 Shri D. N. Patodia made a personal explanation regarding certain allegations made against him by Shri Niren Ghosh, Member of Rajya Sabha in that House, on the 30th March, 1970.

On suggestion by a Member (Shri Madhu Limaye), the Speaker agreed to write to the Chairman of Rajya Sabha about the personal explanation made by Shri Patodia.

The Speaker, accordingly, wrote to the Chairman, Rajya Sabha on the subject enclosing the relevant extracts from Lok Sabha Debates.

The Chairman, Rajya Sabha, referred to the Speaker's letter in Rajya Sabha on 4th April, 1970 and requested Members to exercise restraint in referring adversely to Members of Lok Sabha.

**Member intending to make personal explanation in House to supply text in advance to speaker***In the Lok Sabha*

On the 29th April, 1970 on a point of order raised by a Member (Shri S. N. Dwivedy) about two Members having not supplied advance copies of personal explanations made by them, the Speaker observed that in future the statement should be a written one and that copy of the statement should be given to him in advance.

**Procedure for seeking Vote of Confidence in the Council of Ministers—Ruling by the Speaker**

*In Kerala Legislative Assembly*

On the 20th March, 1970, the Speaker gave his ruling on the procedure to be followed for demanding Vote of Confidence in the Government. He held that it was not feasible to insist on the adoption of the relatively rigid requirements laid down in the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly for moving of a motion of no confidence, in the case of a motion seeking vote of confidence and formulated the following procedure for the moving of confidence motion.

Under the procedure announced by the Speaker the Chief Minister or a Member of the Council of Ministers or the Leader of the House may at any time give notice of a motion seeking a vote of confidence in the Council of Ministers. There is no necessity to ask for leave of the House to move such a motion. The Speaker shall in consultation with the Leader of the House declare that the motion will be taken up on such day, as he may appoint and shall allot a day or days for the discussion of the motion. The Speaker shall at the appointed hour on the allotted day or as the case may be the last of the allotted days, put the question necessary to determine the sense of the House on the motion. The Speaker may, if he thinks fit, also prescribe a time limit for speeches.

**Procedure regarding laying of Statement on the Table of the House in reply to Questions—Ruling by the Speaker**

*In Mysore Legislature Assembly*

On the 27th January, 1970 in respect of reply to a starred question by Shri H. N. Nanje Gowda regarding the collection and remission of land revenue, some statements were placed on the Table of the House, but were not printed as part of reply since the statements were very lengthy. On that occasion, objection was taken for not making available copies of the statements appended to the reply and since the Speaker wanted to examine the matter, the question was held-over. In a ruling, given subsequently, the Speaker observed:

“I have since gone through this question in the light of the practice obtaining in Lok Sabha and in other Legislatures including the mother of Parliament—House of Commons. I have found that everywhere

wherever lengthy statements are referred to in replies to questions, they are not printed but supplied to the Members. Only an indication is given that statements are laid on the Table which means that a few copies are kept on the Table of the House and also in the Library for reference by the concerned Member and others.

Now there are two courses open to be followed in this case. One is to continue the existing practice, *viz.*, laying a copy of the statement on the Table. The second course is to convert the starred question into an unstarred one in which case also a copy of the statement is laid in the Legislature Library. But I propose to continue the existing practice as it is followed in other Legislatures also."

### **Recognition of the Opposition Party in the Assembly—Ruling by the Speaker**

#### *In Mysore Legislative Assembly*

On the 30th January, 1970, the Speaker announced his decision recognising Congress (R) Party as an Opposition Party in the House and its Leader Shri H. Siddaveerappa was recognised as the Leader of the Opposition for the time being. He had then already received another request from the office bearers of the Samyuktha Vidhayak Dal for recognition of their Party in the House. Since certain particulars required for recognition were lacking, the Speaker had requested the Party to furnish the required information to enable him to consider their request. In response thereto on 3rd January, 1970 the Speaker received a list containing 43 members from Shri L. Srikantaiah with a covering letter, which stated that Shri S. Sivappa would continue to be the leader of the S.V.D. and that Shri Sarana Gowda and Shri Bhaskara Setty as Secretary and Joint Whip respectively pending election of the new office bearers. After examining the question of recognising the S.V.D., the Speaker announced his decision, deserving as follows:

"I have carefully examined the matter. Shri L. Srikantaiah has enclosed the Constitution of the S.V.D. and its minimum programme to be followed on the Floor of the House. Agreement forms from the individual members saying that they wish to join S.V.D. and that they will work in the Assembly according to the constitution and the minimum programme of the S.V.D. are enclosed. Subsequently, Shri S. Sivappa has written to me that he has agreed to join the S.V.D. and that he is prepared to shoulder the responsibility of the Leadership of the Party.



The question of recognition of a United front on the floor of the Legislative Assembly came before late Shri Baliga, as early as 16th March 1967. The Members of the opposition, consisting of P.S.P., S.S.P., Swatantra, L.S.S., Jan Sangh, Janatha Party Communists and some other independent members represented to the Speaker that they be recognised as United Opposition Legislature Party. The names of office bearers were also given. For one reason or the other, that party was not officially recognised on the Floor of the House. However, Shri S. Sivappa functioned as defacto leader of the opposition.

The late Shri Mavalankar, former Speaker of Lok Sabha has laid down the following directions for recognising a Party as an opposition party in the House:—

In recognising a Parliamentary Party or group, the Speaker shall take into consideration the following principles:—

(i) An Association of Members who propose to form a Parliamentary Party—

(a) shall have announced at the time of the general election, a distinct ideology and programme for Parliamentary Work on which they have been returned to the House;

(b) shall have an organisation both inside and outside the House; and

(c) shall have at least a strength equal to the quorum fixed to constitute a sitting of the House, that is, one tenth of the total number of members of the House.

(ii) An Association of members to form a Parliamentary Group satisfy the conditions specified in parts (a) and (b) of clause (i) and shall have at least a strength of 30 members.”

After the last general elections in 1967, the political scene of the country has changed considerably. In several States, different parties and groups have joined together to form what are popularly known as United Fronts. The Conference of Presiding Officers of Legislative Bodies have

considered this problem and have laid down the following guide lines for the Presiding Officers in respect of according recognition to the Political Parties in the light of the new situation.

“If the constituent Groups forming a Party for the purpose of proper functioning of the House with a view to strengthening Parliamentary democracy have a common programme of Parliamentary Work, a common organisation, and have one Leader and one whip to speak on their behalf inside the House, there is no objection to necessary recognition being given to that Party. This applies to both the Government and Opposition Parties and no distinction can be made between a Government Party and an Opposition Party similarly formed.”

I have, therefore, considered the request of the 43 members for recognition as Samyuktha Vidhayak Dal on the Floor of the Legislative Assembly in the light of the principles stated above. They have furnished a common programme of Parliamentary Work and have one leader and one whip to speak on their behalf inside the House. The strength of the Association of members is more than the quorum required for a meeting of the Assembly.

I, therefore, recognise the Samyuktha Vidhayak Dal as an Opposition Party in the House. Further, since the strength of this party is more than the Congress (R) which has already been recognised, I recognise the Samyuktha Vidhayak Dal as the main Opposition Party and its leader Shri S. Sivappa, M.L.A., as the Leader of the Opposition in the House.

**Objection to Motion for Consideration of the Mysore Public Men Enquiries Bill, 1969 on ground of Competence of the House to enact the Bill and failure to comply with the requirement as to the recommendation for consideration—Ruling by the Speaker.**

*In Mysore Legislative Assembly*

On the 29th August, 1969, a Member, Shri H. N. Nanje Gowda sought to move a motion for taking into consideration the Bill “The Mysore Public Men Enquiries Bill, 1969 introduced by him earlier.

The Minister for Law, Labour and Parliamentary Affairs rose on a point of order to object to the motion for consideration of the said Bill. The contention of the Minister was that the Bill could not be taken into consideration by the House on two grounds, one being that the House was not competent to consider a Bill of the kind in question, as it was beyond the jurisdiction of the House and the second that the Bill involved expenditure from the Consolidated Fund of the State and, therefore, a recommendation of the Governor under Sub-clause (3) of Article 207 of the Constitution was necessary for the consideration of the Bill. The Minister stated that under the provisions of the Bill, the Chief Justice or the other judges of the High Court would be performing non-judicial functions which, the Minister contended, the House was not competent to entrust to them.

The Minister further stated that by entrusting such functions as are envisaged in the Bill to the High Court, a separate staff including additional judges would be necessary and therefore, additional expenditure would have to be incurred for the implementation of the Bill. Since the Bill was not accompanied by a financial memorandum and the necessary recommendation from the Governor for the consideration of the Bill, the Bill could not be taken into consideration.

Shri H. N. Nanje Gowda and several other Members opposed the point of order. The Speaker ruled:

I have gone into the several provisions of the Bill. It is not for me to say anything about the desirability of a measure of this kind. It is for the House to judge. The scheme of the Bill introduced by Shri Nanje Gowda indicates that an individual presents a petition to the Governor, making a request for enquiry into an accusation. The Governor refers the accusation made therein for preliminary scrutiny to a judge. The Chief Justice, thereafter, is required to refer the matter to a judge of the High Court. The Words used in Clause 4 of the Bill are that on a request in this behalf being made by the Governor, the Chief Justice shall, for the purpose of making the scrutiny, refer the matter to a judge. etc. Clause 5 provides that the Judge shall scrutinise the accusation informally and expeditiously. Under clause 13, the

Judge is required to pronounce his findings at the end of the enquiry. Sub-clause (2) of the said clause states that where the Judge is of opinion that it is expedient in the interest of justice that the person accused or any other person concerned with the subject matter of the accusation should be prosecuted, he shall record a finding to that effect. Sub-clause (4) of the same clause contemplates that the Vigilance Commissioner will take necessary steps for the prosecution of the persons concerned.

The above provisions will thus indicate that the Judge of the High Court is required to perform certain functions which cannot be called judicial in nature. A judge is required to give his decision in a case and his decision is enforceable. What the Bill proposes to entrust to the High Court under Bill is only a sort of a fact-finding enquiry against individuals which is a non-judicial function. If the Judge has to do any non-judicial function, it would follow that more number of judges are necessary for performing these functions.

Shri H. N. Nanje Gowda pointed out a ruling of the Speaker of Lok Sabha, wherein, the Speaker of Lok Sabha has observed that whenever an individual offence is created under an Act, no new Court was established and, therefore, a financial memorandum was not necessary for consideration of the essential services maintenance Bill. I have gone into that ruling also. I am afraid, the case now before us is different from the case which was before the Speaker of Lok Sabha. In the present Bill, what we are entrusting to a Judge is a function which is not the normal function of a Judge of the High Court. In the case quoted by Shri Nanje Gowda, a new offence was created and hence it was rightly held that recommendation of the President was not necessary.

Considering the above, I hold that the Bill requires a recommendation of the Governor for consideration by the House and without such a recommendation, the consideration motion cannot be taken up. It is not necessary for me to give my ruling on the question as to whether the House is competent to consider such a Bill.

**Right of the outgoing Chief Minister to make a statement in the House and its scope—Observation by Speaker.***In Punjab Vidhan Sabha*

On the 30th March, 1970, the Speaker made the following observations on the question of the outgoing Chief Minister making a statement in the House:—

“So far there has been no precedent in the Lok Sabha for a statement being made by the Prime Minister, who resigns, informing the House of the reasons for his resignation. Nor is there any such instance in the House of Commons. In fact, the practice in the United Kingdom is to pay tribute to the outgoing Prime Minister and to welcome the new Prime Minister, immediately after the question hour.

In view of this I must admit, in the first instance, I was not very clear whether a statement by the outgoing Chief Minister Sardar Gurnam Singh, in the circumstances in which he resigned, was permissible. I, therefore, examined the matter in great detail and also held informal consultation with the authorities competent to advise on parliamentary procedure and practice. I hold that Sardar Gurnam Singh can make a statement. I also hold that the scope of the statement is very limited. He can, in the statement, envisaged in rule 62, state the reasons for his resignation. In other words he can state the differences that he had had with his Ministerial colleagues and/or Legislators belonging to his party and the reasons why Members/Ministers belonging to his party did not vote in favour of the Bill which was ultimately rejected by the House.

However, I am afraid, the statement proposed to be made by Sardar Gurnam Singh, a copy of which has been supplied by him to me in advance does not mention any of these points. On the other hand it contains defamatory, offensive and undignified remarks against some persons and those persons cannot even defend themselves in this House. In view of our rules, this statement cannot be made.

Under the proviso to sub-rule (2), a copy of the statement, or alternatively, a gist of such statement is to be supplied to the Speaker and the Leader of the House one day in advance of the day on which it is proposed to be made. Therefore, according to the rules, a new statement by Sardar Gurnam Singh cannot be made at this stage.

But I do not want to stand in his way on technical grounds. If he prepared a new statement limiting it to the points mentioned above and supplies to me during the course of the day, a copy thereof, I will, if I find it in order, permit him to make it on the floor of the House. Of course, a copy of that statement will also be required to be forwarded to the Leader of the House simultaneously.

**Placing of questions for oral answer in the list of questions in rounds  
—Direction by the Speaker.**

*In West Bengal Legislative Assembly*

Question in the name of a Member in the list of questions for oral answer on a day shall be printed in three rounds or less according to the number of questions admitted in his name. Thus all Members who have questions in the list on any day shall have one question each entered in the first round and after completing all the Members on the list, their second and third questions, if any, shall be appropriately placed in the second and third rounds, respectively. Priority of questions *inter se* in each round shall be determined according to the date and time of receipt of the notices subject to the reservation that questions on cognate or allied subjects shall be placed consecutively and further that subject to the foregoing reservations questions to be replied to by a particular Minister shall not be entered for the next time in the list until a question of each of the other Ministers whose questions are due to be answered on the day has been entered.

## **SESSIONAL REVIEWS**

### **LOK SABHA**

#### **(Tenth Session—Fourth Lok Sabha)\***

The Tenth Session of Lok Sabha which commenced on the 20th February, 1970 with the President's Address to both Houses of Parliament assembled together, adjourned *sine-die* on the 20th May, 1970. During the Session sixty-two sittings were held, aggregating 421 hours and 23 minutes.

This was the second time when a Prime Minister presented the annual Budget and introduced the Finance Bill, but it was the first occasion when the Prime Minister piloted the Finance Bill.\*\*

Some of the major events that took place and the statistical data about the actual work transacted in the session are briefly mentioned below.

#### **I. MOTION OF THANKS ON PRESIDENT'S ADDRESS**

The Motion of Thanks on the President's Address to both the Houses of Parliament assembled together on February 20, 1970, was moved in Lok Sabha on the 25th February, 1970. The motion was moved by Shri K. Hanumanthaiya (Cong.) and seconded by Shri-mati Savitri Shyam, also of the Congress.

While moving the Motion of Thanks, Shri K. Hanumanthaiya (Cong.) said that the President's Address this year was a unique one, not merely in its content, but in its approach to problems. The highlight of the Address was the fact that it contained many points in order to bring into existence a truly socialistic society. For the first time, he said, the preamble of the Constitution relating to social, political and economic justice had been taken up seriously and pace set for implementation of those ideas. Referring to the Supreme Court's judgment on bank nationalisation, he said that it was time that Parliament mended matters if the just and humane society,

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\*Prepared by the Library, Reference and Information Service of the Lok Sabha Secretariat.

\*\* In 1958, Prime Minister Shri Jawaharlal Nehru had himself presented the annual Budget for the year 1958-59 owing to Finance Minister Shri T. T. Krishnamachari having resigned from the Cabinet on 14th February, 1958.

The Finance Bill was, however, piloted by Shri Morarji Desai, who took over the Finance portfolio on the 22nd March, 1958.

which the President spoke of could be brought about. Continuing, he said that agricultural production had made a break-through and before long, the country might be in a position to export. In the industrial field, the picture was equally bright, recession had receded and exports were increasing and imports were going down. Good progress in the field of agriculture and industry together could solve most of our problems, he added.

While referring to the high principle of administrative efficiency, he said that the States should have greater autonomy and Centre should not lightly interfere. If the law and order situation in West Bengal or Kerala was not good, the best course was not Central intervention but to let the people judge whether they had earlier elected the right people to govern them.

While seconding the Motion, Shrimati Savitri Shyam (Cong.) said that the President's Address reflected the feelings, aspirations and urges of the vast majority of the people of the country. It was for the first time that we found a note of firm optimism in the Address. Sufficient progress had been made in the country in the fields of industry and agriculture and the public sector enterprises had gained momentum and there had been steady increase in the turnover. In the field of external affairs, she said, the policy of peaceful co-existence pursued by the Government had become largely successful and the slogan of peace had found an echo in many countries.

Dr. Ram Subhag Singh (Cong.-O) said that the Address was disappointing and full of contradictions. It was disappointing because every where the Government had created insecurity by its decisions. Further, the Address did not give any guideline for creating new employment opportunities.

The Government was using the institution of Governors to topple the popular Governments, he said, and desired that the Speaker should appoint a high-powered Parliamentary Committee to lay down norms for the conduct of Governors. The Government should give the right of security of tenure to all the tenants and should get a ceiling imposed on urban property. Industrial production had not gone up as much as had been claimed by the Ministry of Industry. The percentage of industrial advance must be around ten percent if we had to lift ourselves from the recession, he said.

Statehood should be given to Manipur and Himachal Pradesh. The question of Telengana should be solved according to the verdict of the wishes of the Members from Telengana, he added.



Dr. Karni Singh (UIP Gp.) said that the Government must take stock of the situation and see that if they spoke about socialism, they really meant socialism. He also pleaded for a judicial inquiry into the recent firings which had taken place in Rajasthan.

Shri R. Barua (Cong.) said that the increase of the price level by about 7 per cent. over last year was very disturbing and this inflationary trend ought to have been checked long before. The Government, however, deserved congratulations on showing some sort of resilience in their industrial policy. The extension of delicensing for medium size industries, he said, would go a long way to create a climate of investment and thereby open up possibilities of employment. He also desired the Government to tackle quickly the problem of statehood for Himachal Pradesh and Manipur which had been pending for a long time.

Shri N. G. Ranga (Swa.) said that the Government had decided to abolish privy purses of the ex-rulers in a unilateral manner. The matter should have been settled in a manner that would do credit to the Constitution. The President's Address, he said, was silent about the significance of the recent Sino-Soviet conflict in regard to India's own place in the world.

As regards reference in the Address to the industrial progress made by the country, Shri Ranga said that according to the Economic Survey, Hindustan Steel, in which we had invested more than Rs. 1,000 crores, was still losing upto Rs. 38 crores every year and that four giant engineering concerns were losing Rs. 29 crores. Only 54 public undertakings had earned some profits to the tune of Rs. 68 crores.

Shri Anantrao Patil (Cong.) said that it was regrettable that the President had not made a mention about other boundary disputes existing in the country and desired that these should be resolved on the basis of some principles.

Dr. Sushila Nayar (Cong.-O) said that it was a matter of deep regret that the Address was silent about Mahatma Gandhi and prohibition, and observed that the Government's approach in the matter of privy purses indicated bankruptcy of diplomacy.

Shri S. K. Patil (Cong.-O) remarked that for a break-through in agriculture some sort of crop insurance, about which not even a cursory mention had been made in the Address, should be immediately introduced. The present trend towards nationalisation, he said,

would create terrible State capitalism with all its attendant evils. As regard inter-State disputes of all sorts, he suggested that such matters should be referred to the Supreme Court and its decision should be treated as final. He criticised the Government's approach towards the problem of privy purses as running away from contractual obligations which was tantamount to breach of faith.

Dr. Govind Das (Cong.) said that the questions of language and cow protection were very important but Government had not paid adequate attention to them.

Shri Atal Bihari Vajpayee (JS) said that the Address was unrealistic and presented an incomplete, one-sided and distorted picture of the country. The judgment given by the Supreme Court in regard to the nationalisation of Banks, had created a very serious situation. The Jan Sangh, he said, was not fundamentally against nationalisation, but it did not accept nationalisation as the panacea for everything. If necessary, nationalisation could be resorted to, but the need should be economic, not political. Contending that the foreign collaborations in the field of industries had ruined our economy, he suggested the appointment of a high-powered Commission to examine all the collaboration deals and assess their worth. Referring to boundary disputes, he said that certain principles should be evolved for the solution of all the boundary disputes and they should be decided by tribunals instead of commissions so that their decisions were binding on all the parties.

Shri R. K. Sinha (Cong.) observed that the Bill of Shri Nath Pai on fundamental rights must be passed by Parliament and its supremacy restored. There were some lacunae which came in the way of our forward march towards socialism, one of them being the absence of dedicated people to serve as officers. For that it was necessary that our whole educational system should be reorganised and a non-partisan national youth movement should be launched in the country.

Referring to the official language problem, Shri K. Anbazhagan (DMK) said that it was regrettable that there was no mention in the Address of the failure of the Government to find a final and just solution to the problem.

Shri Sita Ram Kesri (Cong.) said that non-fulfilment of the basic needs of the people was responsible for restlessness and an atmosphere of violence in the country. In order to solve the problems of the common people it was essential to usher in socialism before long.

Shri H. N. Mukherjee (CPI) said that there was little to enthuse over the Address. No doubt the task of building a society which was democratic and socialist was long and hard but there was no suggestion in the Address of a sense of hurry to satisfy the expectations of the people.

He was of the view that some drastic overhauling of the Constitution was needed. The dichotomy between Fundamental Rights and Directive Principles should be ended. The overhauling was also necessary, he said, for tackling other constitutional problems, such as the question of Centre-State relationship, the question of statehood for Himachal Pradesh, Manipur and Tripura, etc.

Shri G. Venkataswamy (Cong.) said that it was regrettable that there was no mention in the Address about the death of 300 people in Telengana. The people of Telengana had been economically ruined. It was high time that the Central Government realised the sufferings of the people of Telengana and solve their problem at an early date.

Shri Rabi Ray (SSP) said that if the Government was really keen to bring in socialism they should bring about some fundamental changes in the Constitution and for that purpose they should convene a new Constituent Assembly.

Shri Randhir Singh (Cong.) said that the opposition parties had betrayed the people of Haryana on the Chandigarh issue and the Prime Minister could not be blamed for not giving Chandigarh to Haryana. The question of Chandigarh and Kharar Tehsil should be referred to a high-powered boundary Commission consisting of at least four Supreme Court Judges, he added.

Shri Hem Barua (PSP) observed that the Address did not indicate any concrete steps towards social transformation that it visualised. There was no indication in it of any socialist planning, which alone could remove the disparity in the earnings of the people. Further the Address was silent on the problem of educated unemployment in the country. The Fourth Plan had not taken note of this vital question, and the Plans should be employment oriented. While the nationalisation of major banks was a very welcome measure, it must not open the flood-gates of corruption in the country, he added.

Speaking in the resumed debate on Motion of Thanks on the 2nd March, 1970, Shri Shiv Kumar Shastri (BKD) said that the general atmosphere in the country was very much charged with communal feelings and unless steps were taken to bring about communal harmony in all walks of life in the country, communal riots were likely to continue.

Shri J. K. Choudhry (Cong.) said that the invidious distinction between Manipur and Tripura should not be allowed by the Government when they considered the case of statehood of these States.

Shri Gurcharan Singh (UA) remarked that the Address was disappointing as there was no mention of the question of political morality and defections. It was really surprising that Fazilka area which was a Punjabi-speaking area, should have been given to Haryana arbitrarily.

Shri R. D. Bhandare (Cong.) said that the Constitution including the fundamental rights should be amended in order to put a curb on the right to property. Further, the problems of scheduled castes, scheduled tribes and backward classes had not received due attention and these people still continued to face many hardships.

Shri R. Umanath (CPI-M) said that we could not call the result of the new agricultural strategy a green revolution. After spending Rs. 3,805 crores on agriculture and irrigation during the last ten years, the production of foodgrains and commercial crops had been fluctuating and there was no steady growth of production. He criticised the Government for non-implementation of land reforms, and for the new licensing policy which would fail to curb monopolies. Lastly, he desired the Central Government to take responsibility for the accelerated development of backward areas.

Shri Sadhu Ram Chauhury (Cong.) said that after the Chief Minister of Punjab had agreed to the Central Government's decision on Chandigarh, he was now throwing the entire blame on the Central Government for giving Fazilka to Haryana.

Shri P. K. Deo (Swa.) observed that the Address had no relation to the grim realities of the plight of the common man. Even in the year of so-called green revolution, the *per capita* availability of foodgrains was 3.7 per cent less than in 1965. Price stability, he said, was only a pious hope as it was incompatible with the new imposts and deficit financing.

Referring to the proposed abolition of privy purses, Shri Deo said that any unilateral action in regard to privy purses would be a breach of faith and going back on constitutional guarantees.

Shri Shashi Ranjan (UPI Gp.) said that the laws enacted to protect the lands of the Harijans and the Tribals from alienation had not been effectively implemented. Their social conditions were deteriorating and there was steep rise in their indebtedness. Bihar was the poorest State in the country and Government must do something to improve the economic condition of the people there, he added.

Resuming discussion on the Motion of Thanks on the 3rd March, 1970, Shri K. K. Chatterji (Cong.) said that the Address reflected the will of the millions of the people who wanted to move fast to achieve a just and humane social order in the country. Nationalisation of banks was the nation's demand and the Government could not remain quiet or indifferent when there was flaming discontent in the country and the people were suffering so many disabilities.

Shri Amiyath Bose (UA) said that the Government had failed to take adequate measures to take the country on the road to socialism. The Government had also failed to announce their desire to bring about basic changes in the Constitution so that it might reflect the social and economic needs of the present times. Another failure on the part of the Government was that in spite of repeated demands and representations from the M.Ps., there was no clear decision on the part of Government to appoint a judicial inquiry commission regarding circumstances of Netaji's death.

Shri Ahmed Aga (Cong.) said that in order to bring about social transformation in the country it was necessary to amend the Monopolies and Restrictive Trade Practices Act, with a view to eradicate all the existing monopolies. It was also necessary that general insurance should be taken over by the Government and jute industry and tea plantations nationalised, and life insurance for industrial workers made compulsory.

Shri R. K. Birla (UPI Gp.) criticised the Planning Commission for the shortages that had begun to appear in basic raw materials. The Government's decision to import staple fibre, he said, was unjustified in view of the technical know-how, the machinery and raw material available in the country. Alloy steel, worth over Rs. 30 crores was being imported per year because the public sector was producing only to the extent of about 35 per cent of its installed capacity, he added.

Shri S. N. Misra (Cong.) said that a striking feature of the Address had been an emphasis on democratic socialism. But in the name of democratic socialism there appeared to be an attempt to do many things which might not be quite justified, such as the expressed and envisaged attempt to go back on the assurances given to the ex-Rulers and to amend Chapter III of the Constitution. Prohibition had proved to be a complete failure, he said, and should be withdrawn and the revenue earned spent on free education and free medical treatment.

Shri J. B. Kripalani (UA) said that as democracy was based upon fundamental moral values, respect for law and healthy conventions was essential. It was unfortunate that all these principles had been violated in the last six months or so. Referring to the proposed abolition of privy purses, he said that if the agreement about privy purses was to be repudiated, it should be done with the goodwill of ex-Princes and there should be a dialogue between the Government and these people.

Shri Prem Chand Verma (Cong.) said that problems facing the country could not be tackled by professions alone; they called for practical approach, positive and concrete steps. He pointed out that the pace of development in the rural areas was comparatively much slower, and Himachal Pradesh, he said, had been neglected in the matter of development as not a single public sector industry had been set up there.

Shri Morarji Desai (Cong.-O) said that the 14 banks were nationalised on the ground that all banks with deposits over Rs. 50 crores were nationalised. If that was so, there was no justification for not nationalising foreign banks which also fell in that category. This might be considered hostile discrimination, he added. As regards the Supreme Court judgment in the Bank Nationalisation case, he observed that the Supreme Court would have failed in its duty if it had not pointed out the deficiencies of laws. It was very necessary to see that the Supreme Court remained above criticism, he added. Referring to Indo-China relations, he said that a unanimous vow had been taken in this House not to rest until we got back our territory illegally occupied by China. While there was no mention of that determination in the Address, a request, on the contrary, was being made to China to allow us to function properly.

Shri M. Muhammad Ismail (UA) said that it was good that the Government were determined to give to the people of the country new sense of direction and purpose as well as realisable goal, to go forward at a faster pace towards the achievement of a social order which was just and humane. The nationalisation of banks had already begun to show its beneficial results. It was also gratifying to note that Government had recognised the vital importance of agriculture to our country.

Shri Biswanarayan Shastri (Cong.) said that the industrialisation of Assam should be taken as a package deal. Unless the Government came forward with a concrete proposal, Assam could not prosper in the field of industrialisation. The Fifth Finance Commission had also not done justice to this backward and under-developed State, he added.

Shri Deven Sen (SSP) observed that the mention of need-based minimum wage in the Address was very much expected but it was not there. Shri Sen welcomed the announcement made by the Minister of State in the Ministry of Home Affairs that the break in services of the Central Government employees who had participated in the strike last year would be condoned.

Shri Vikram Chand Mahajan (Cong.) said that the Address did not make any mention of the prevailing linguistic fanaticism in the country. Formation of States on the basis of language had been proving a source of disintegration, he said, and Parliament should ask for the reorganisation of States on administrative convenience. He advocated statehood for Himachal Pradesh and other Union territories, and also suggested an element of compulsion in the family planning programme as the economic gains of the country were being nullified by the increase in population.

Shri S. M. Krishna (PSP) said that the Government should satisfactorily and seriously solve the colossal problem of unemployment as Prof. Dantewala Committee would not be able to solve it. He also suggested nationalisation of all banks in the country.

Shri P. L. Barupal (Cong.) expressed the view that there was great need for the reorganisation of the country on zonal basis as this would save a lot of expenditure which was at present being incurred on the administration of such a large number of States.

Shri Y. Eswara Reddy (CPI) observed that the Government had not taken any suitable steps to extend irrigation facilities to the lands which at present did not have assured supply of water. The problem of drought was too colossal and gigantic for the States and should be tackled by the Central Government. An organisation at the national level should be set up to eradicate drought from the country. He also felt that the problem of unemployment and under-employment of handloom weavers all over the country should be tackled as a national problem.

Shri Ramji Ram (UA) advocated nationalisation of education and amendment of the Article in the Constitution relating to right to property. He said that more and more people belonging to Scheduled Castes and Scheduled Tribes should be taken in Government service. It was highly necessary to develop rural areas as socialism could not be ushered by ignoring the development of villages, he added.

Shri Hardayal Deygun (JS) said that in the Railway as well as General Budgets proposals had been made which would increase the burden on the common people.

Shri J. J. Shinkre (UA) said that a public sector industry should be set up in Goa and if that was not possible, private entrepreneurs should be encouraged to set up industries there.

Shri Baker Ali Mirza (UA) remarked that if the Government was genuinely interested in the welfare of the people of India, it must look to the interest of the present community. He felt that very little had been done about the land reforms. While referring to Telengana issue, he said that the Prime Minister should grant the people of Telengana a separate State and appoint a Commission to re-examine the whole pattern of division of the country on the linguistic basis.

Shri M. G. Uikey (Cong.) said that apart from the welfare works for the tribal people, it was also very necessary that they were granted due safeguards against exploitation. Unless this was done, no improvement in the condition of Harijans and tribals would be possible.

While replying to the debate on the 4th March, 1970, the Prime Minister, Shrimati Indira Gandhi said:

“... I am glad that several Members recognised that this Address marks the beginning of a new phase in our national life. It is reflected not only in the Budget but in



many steps which have been taken and it will further be reflected in other steps.....”

“The debate has succeeded in performing another useful function. The events of the last few months have had the effect of bringing together on the one side people who are largely in favour of progress and on the other side those who look backward.....”

“While we are involved in changing the economic and social structure of our country, technology is changing and transforming the entire world. Modern communication methods are having an impact on young people everywhere including our own country and even in the remoter parts of the country. Let us not forget that what we say and do today must have meaning for the young people. Our decisions must stand the test of their approval during the coming years.....”

Referring to inter-State border disputes, the Prime Minister said:  
“... Territorial disputes have arisen between our States because of a variety of historical circumstances. The factors are not the same everywhere; but issues do not get settled unless the action taken will generally satisfy the majority or dissatisfy the least number of the people concerned.”

While on the subject of civil service, Shrimati Indira Gandhi remarked:

“... It has been said in this House and outside that we are, or perhaps I am, planning to use the civil service for political purposes. I have denied and contradicted this on every possible occasion and I can say that a twist has been given to my remarks about committed civil servants. I have always held the view that the duty of the civil servants is to give frank and honest advice and not to let their judgment be cramped by fear or favour..... While talking of the civil service, I am aware that since Government have to assume greater responsibilities, we must constantly aim at greater efficiency, more expertise and more speedy methods of work”.

As regards Rhodesia, Shrimati Indira Gandhi said:

“Hon. Members are rightly agitated over Rhodesia. The Government of India consider the decision of the break-way regime to declare itself a Republic as totally illegal. Government will continue to support all measures taken by the world community and the African States against the racist regime.”

Regarding ‘Indianisation’, she said:

“.....To me, every child who is born of Mother India is a good Indian. There is the law of treason and there are competent courts to decide if anyone is guilty of treason. This cannot be left to be decided by any political group or party. No oratorical devices can hide the real intentions of those who advocate Indianisation of their fellow countrymen.”

While concluding her speech, the Prime Minister observed:

“.....Let nothing be said which will hold back our people, which will sow doubt in their minds or deflect them from their determined path. Mistakes are sometimes made; wrong things are also being done, but basically, the people are on the move. They are impatient only because they see that change can be faster; they are impatient because they see that their difficulties and their hardships can be removed. Let it be said that responsible representatives of the people acted at this difficult time with vision and courage and with faith in the people of India.....”

“As I said, I remain deeply convinced that the democratic path is the only path for India to solve its problems. But there can be no true democracy without socialism and without secularism. There can be no true socialism without true democracy. So, let us move forward with this ideal, for only then shall we be able to reach our goal.....”

After the Prime Minister’s reply, the motion was put to vote and adopted by 170 votes to 60.

## II. BUDGET.

### General Discussion

Replying to the 20-hour debate on the General Budget on the 17th March, 1970, the Prime Minister Shrimati Indira Gandhi did not announce any change in the taxation proposals. She told the House that the Budget "does indicate the directions in which we intend to move forward"—to bring about "simultaneous transformation in social, political and economic life". She claimed that it would always be the endeavour of the Government to give justice to all.

Reacting to the criticism from various sections of the House regarding meagre provision for the social Welfare Schemes in the Budget, the Prime Minister remarked that in view of the enormity of the problem and the vast number of people involved, even augmentation of funds by hundred times would hardly be adequate for what was to be done.

The Prime Minister repudiated the charge that it was a political budget. On the other hand, she held that the budget should not degenerate into a mere statement of receipts and expenditure. In fact it should set out the direction in which Government wanted to lead the country and seek to mobilize the support of the people for its policies and programmes. The budget thus according to her, reflected the political philosophy of the present Government. She added that it was through the budget, that the Government sought to move forward towards greater equality of income and wealth and to create more opportunities for gainful employment through larger outlay in the public sector and through greater opportunity for small entrepreneurs and small savers.

Shrimati Gandhi described the higher outlays for the public sector, as an important feature of the budget which she said, sought to break the spell of fiscal stagnation and restore to the public sector its original role envisaged for it as the pace setter for the nation's economy. It was found that the significant drop in public investment after 1964-65 had resulted also in recession in the private sector. That in turn affected the growth of the revenues of Government, leading to further erosion of investment programmes in the public sector. This vicious circle had to be broken, she added. The Prime Minister hoped that a Rs. 400 crore increase in Plan outlay provided in the budget, along with fiscal and monetary policies of the Government should stimulate

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\*The House commenced general discussion on Budget (General) 1970-71 on the 10th March, 1970.

employment opportunities and "restore a measure of dynamism to our economy."

Referring to the criticism levelled by some Members on the performance of public enterprises, the Prime Minister gave figures to show that the public sector had shown better results last year. During 1968-69, of the 73 running concerns, 42 made a profit of Rs. 66.23 crores as against Rs. 48.95 in the previous year. The overall net loss of public sector enterprises was reduced from Rs. 37.89 crores in 1967-68 to Rs. 27.67 crores in 1968-69. She felt that in assessing the role of the public enterprises in our strategy of development, we should look beyond their balance-sheets. By envisaging an expanding role for the public sector, the Government intended to lay the foundation for the self-reliant economy and thereby prevent the concentration of the ownership of the means of production in the hands of a few.

Referring to the concern expressed by many members about over-estimating of revenues, Shrimati Gandhi assured the House that the revenue estimates for the year 1970-71 had been worked out most carefully without any under-estimation or over-estimation and as such they reflected the best judgement of the Government.

Defending the budget provision of Rs. 175 crores for special assistance to States, the Prime Minister repudiated the charge that it was intended to be used for political purposes to favour certain States. The assistance, she said, would be made available to eight or nine financially weaker States "in relation to approved Plan" and would conform to "well recognisable criteria". It had been made on the recommendation of the Planning Commission which had assessed the financial position of the States in the light of Fifth Finance Commission's Report.

Referring to the concern expressed by many members about prices, Shrimati Gandhi said that it was important to protect the income of these already in employment. But at the same time the Government could not overlook the interest of those who were under-employed or un-employed. She remarked "Their only hope lies in the balanced and judicious acceleration of the rate of investment in the economy".

The Prime Minister dismissed fears of an inflationary impact in the economy as a result of Budget proposals and expressed the view that the measures to curb credit taken by the Reserve Bank in the recent past were having some effect on prices.

Regarding new imports, she said that the only imports which might conceivably affect the common people would be the increase in excise duties on sugar, kerosene and tea. But even there a conscious effort had been made to introduce the concept of equitable discrimination as between the different income groups. Taking into account the weightage of the index of wholesale prices of the different commodities on which taxes were being increased, the increase should not go to more than half per cent even if the entire burden of the additional taxation was passed on to the consumer. While considering the incidence of taxation on the lower income groups, we should not ignore the beneficial impact of the welfare schemes proposed, such as family pension, schemes for industrial workers, enhanced minimum pension for Government servants, child welfare programmes etc., she added.

The Prime Minister concluded:

“If we are to carry forward this great nation to its rightful destiny at a crucial period of its history, we have to bring about simultaneous transformation in our social, political and economic life . . . . . No one can be more keenly aware of the fact that we have tried to achieve in the Budget only a small but significant beginning. But, as I have said on previous occasions, here, the greatest distances can be covered by small steps and this Budget is one such step. I have no doubt that it will lead us to other steps and the country will be able to go ahead with greater dynamism, vigour and speed.”

#### **Finance Bill, 1970-71**

Moving the Finance Bill, 1970-71 for consideration on the 1st May, 1970 the Prime Minister Shrimati Indira Gandhi said:—

“ . . . . . The central objective of the Budget proposals has been widely appreciated both in this House and outside. There is little reason, therefore, to disturb the general structure of the fiscal proposals in the Bill.”

In her speech, Smt. Indira Gandhi announced certain concessions in excise duty, direct taxes etc. which she said “would make the fiscal proposals in certain instances more rational and, in certain other cases, more purposive to achieve the stated goals.”

Referring to concessions in the direct taxes she said:—

“ . . . . . The Bill makes provision to exempt from

tax income upto Rs. 3,000 in a year, derived from investments in certain specified categories of financial assets; investments in such assets upto Rs. 1.5 lakhs are also being exempted from wealth tax. It is now proposed to include into those categories of investments also the deposits with State Financial Corporations and other approved long-term financial institutions; this is being done to enable these equally worthy institutions also to attract deposits from members of the public for nation-building purposes."

".....On Administrative grounds, I propose to amend the relevant provision in the Income Tax Act so as to exempt, from deduction of tax at source, the interest earned from deposits with banking companies, including co-operative banks."

Announcing a relief to the charitable and religious units, she said:

".....It has been brought to my notice that the requirement to invest the accumulated income exclusively in Government securities is unduly restrictive in that the funds so invested would not be readily available to the trust in times of natural calamities like floods and earthquakes; this restriction may also involve risk of loss when the investments are needed to be disposed of before maturity. In order to remove this unintended hardship, I now propose to amend the relevant provision in the Bill so as to allow the investment of accumulated income also in the form of deposits with the post office savings banks, with banking companies, including co-operative banks, as well as with approved long-term financial institutions such as State Financial Corporations."

".....In order to remove any *bona fide* difficulties which trusts may face in complying with this provision, I propose to allow them time upto 31st December, 1970, to alter suitably their portfolio of investments."

In regard to capital gains arising from the transfer of agricultural land, Shrimati Gandhi announced the concession as follows:—

".....For persons having extensive agricultural holdings, however, there may be farm houses situated in the midst of such holdings, the value of which may even exceed Rs. 1 lakh; such persons may also own a residential house apart, from the farm house. As the maintenance of a farm house is essential to direct agricultural operations, I

propose to restore the *status quo ante*, and exempt altogether such a house from the liability under the Wealth Tax irrespective of value."

Referring to the reduction in the proposed levy on T.V., she said:

".....At the present stage of our economy, only the relatively better-off can afford a television set, but television has an educative value in our conditions and as the TV manufacturing industry is in its infancy, I feel that the balance of advantage lies in levying a somewhat lower duty than was originally proposed; I therefore propose to reduce the excise duty on this item from 20 per cent to 10 per cent *ad valorem*."

Making announcement regarding reduction in excise duty on tea, Shrimati Gandhi said:—

".....I propose to limit the excise duty incidence to 70 paise per kg. in respect of tea cleared in the rest of the financial year 1970-71 which is sold at a price not exceeding Rs. 5 per kg. The details of procedure to give effect to this concession are being worked out and will be notified separately. In addition, the 10 per cent reduction in excise duty available to cooperative factories is being extended to the 'bought-leaf' factories."

Announcing certain concessions of Excise duty on some other items, Shrimati Gandhi said:—

".....I propose to exempt wholly from excise duty, the production of metal containers, safes and strong boxes by units which do not use power, I also propose to exempt from excise duty, units which manufacture safes and strong boxes up to a value of Rs. 50,000, provided that the total annual output of such a unit does not exceed Rs. 2 lakhs in value. This exemption will also extend to the manufacturers of biscuits. In the case of metal containers, the exemption limit is being fixed at a still higher level of Rs. 1 lakh, since the value of such containers would include the component of duty paid on tin plate used as raw material. I should not like the cause of education to suffer, hence mathematical boxes, geometry boxes and colouring boxes used by students and children irrespective of whether these are manufactured in the organised or small-scale sector, will also wholly be exempted from excise duty."

Regarding revision of postal rates, Shrimati Indira Gandhi said:

“.....I propose that the V.P.P. charges be retained at 10 paise for all packets upto Rs. 10 in value.”

Replying to the general discussion on the Finance Bill, 1970 on the 5th May, 1970 the Prime Minister defended the proposed enhancement in the taxation rate on the upper ranges of personal incomes. She remarked:

“.....Comparison with other countries has little meaning for even if one takes into account the *per capita* income levels, our nation is in overall, one of the least taxed in the world, and even the high marginal rates of taxation for personal incomes get considerably reduced after the various exemptions are allowed.”

Turning down a specific demand for raising the exemption limit to Rs. 6,000 in income tax, she said that this would result in further loss of Rs. 18 crores. Justifying her stand, she pointed out:

“.....Although the exemption limit is only Rs. 5,000, in effect it is closer to Rs. 6,000, if we take into account the deduction allowed to salaried tax-payers for expenditure incurred on travelling, besides deduction for certain approved contractual saving such as life insurance, provident fund etc. On the whole we expect about five lakhs of assesseees to be taken off the register of the Income Tax Department as a result of these changes.”

Referring to the criticism that the anticipated deficit financing would be much higher *i.e.* Rs. 450 crores because of over-estimation of revenue receipts, she said:

“.....The latest figures of revenue collections suggest that even for 1969-70, the budgetary deficit is likely to be much less than the Rs. 290 crores which was estimated earlier. One of the major factors for this is an improvement in the collections under income tax and corporation tax. Since this improvement in the collections for the last year is bound to have a favourable effect on collections during 1970-71 also, there are fair chances that the need for deficit financing will and can be kept down.”



Regarding criticism of 'high corporate taxation', she said that "these critics have overlooked several concessions which soften incidence. Even with the lapsing of incentive such as tax credit certificates or the reduction in the rates of development rebate, the net incidence on the corporate sector will not be affected to any significant extent."

Defending discontinuance of deduction on entertainment expenditure, the Prime Minister said that even the "affluent countries such as United Kingdom and Canada have decided to do away with such expense accounts."

In regard to the criticism about the proposed levy on agricultural wealth tax, she observed:

".....I think that there is some misconception about this. This tax will affect only those whose lands are worth over Rs. 1.5 lakhs over and above the general exemption limit of Rs. 1 lakh of wealth. Therefore, by no stretch of imagination, can one say that it is going to affect the poor farmer."

The Prime Minister particularly defended excise duty on sugar and on certain varieties of superior tea. The increase on sugar, she felt was "only marginal" and had not led to any rise in the price of sugar. Actually the prices have come down, she remarked.

As regards budget levy on tea, she said that it was aimed at "making up the substantial loss sustained by the abolition of export duty as well as the grant of partial rebate on quality teas exported", which she added was expected to retain the country's position in the foreign market.

She concluded:

"The basic solution to problem of unemployment lies in expanded investments all along the line. Employment is a function of economic growth. Private investment on its own has failed to ignite the spark of growth in recent years, which is why in this year's budget, we have purposely provided for nearly 20 per cent increase in public outlay, and have specially planned certain projects which would be biased towards the creation of employment opportunities. I do admit that this marks only a very very small beginning, and much has to be done before we can catch up with the backlog of the problem."

After adopting the motion for consideration of Finance Bill moved by the Prime Minister, the House took up clause-by-clause consideration of the Bill.

Barring clauses Nos. 5, 7, 11, 13 to 16, 21, 23 and 26, all other clauses upto clause 32 were adopted without any amendment by a voice vote. Amendment to clause 32 was put to vote and negatived by 173 votes to 97.

The remaining clauses, the Schedule and Enacting Formula and the Long Title were disposed of under guillotine.

Winding up the discussion after the final regarding on the 6th May, 1970, the Prime Minister observed that taxation should not be viewed "as a kind of punishment". It was "only a method of getting cooperation of the people". She conceded that there was burden of taxation. But then, she added "there was greater burden on the people for long—the burden of poverty, the burden of economic backwardness, the burden of social injustice". These could only be removed, she remarked if we could go ahead with certain programmes.

Continuing she said that "in this budget we have not tried to spare anybody, because we felt that it was not a burden, but it is really a privilege for people to participate and to help in this great adventure of building a new India."

She concluded that her budget proposals stemmed only from the imperative need for "resource mobilization".

The House then passed the Bill as amended.

#### **General discussion on the Railway Budget\***

Replying to the general debate on the Railway Budget on the 10th March, 1970, the Minister of Railways, Shri Gulzari Lal Nanda said that there was no denying the fact that there was a great deal of room for a fresh orientation. As regards the criticism of subsequent withdrawal of the proposed increase in third-class fares and in freight in some cases, the Minister observed that it was a move in the direction of conforming more fully to our social obligations and to the spirit of democracy.

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\*The Minister of Railways Shri Gulzari Lal Nanda presented the Budget (Railways) 1970-71 to the House on the 23rd February, 1970. The House commenced General Discussion on the Railway Budget on the 4th March, 1970.

He said that it was the Government's duty to see that Third-class passengers got necessary amenities and added that there was scope for improving catering also without increasing the charges.

He assured the House that every complaint regarding corruption would be investigated and no wrong doer would escape punishment. However, in the matter of fighting corruption a great deal of active cooperation from all sides was necessary.

Regarding the criticism levelled by some Members on the working of the Railway Board and the suggestion of some that it should be wound up, he remarked that there had to be an organisation to co-ordinate the activities of the vast network of railway spread all over the country. He conceded that there was certainly room for a great deal of improvement in the functioning of the Railway Board and added that he was prepared to discuss the matter in order to find out whether there could be a better system.

#### **Demand for Grants (Railways) 1970-71\***

The Lok Sabha on March 28, 1970 passed the demand for grants in respect of the Railway Ministry for 1970-71 totalling Rs. 1701.56 crores after rejecting all cut motions.

Replying to the debate earlier, the Minister of Railways, Shri Gulzari Lal Nanda said that the railway system would have to develop a coordinated pattern of railway transport for both passengers and goods so that all the national needs were served adequately. He added that the Railways must also develop built-in preparedness to meet emergency requirements at short notice, of defence and other needs. These functions, he pointed out, could not be carried out by the railways in isolation. There should be coordinated approach to the transportation system in a planned economy and no competition between the various modes of transport leading to the creation of idle capacity and wasteful use of scarce and valuable resources which was happening at present. The Minister pointed out that the roads were taking over traffic, the capacity for which had been created in the railways. The railways were "entitled to expect" some method of co-ordination to ensure that the road transport did not encroach upon the sphere of the railways, he said.

Shri Nanda informed the House that the main objectives of the Railways' Fourth Plan were to make a provision to meet fully the freight and coaching traffic, modernisation of the system to the extent

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\*The discussion on Demands for Grants commenced on the 25th March, 1970.

permitted by the available funds. Another objective was accelerating the pace of gauge conversion to the maximum extent so as to extend the more efficient broad gauge system to areas of rapid economic development and high traffic potential. With Rs. 60 crores provision in the Plan, the conversion of specific sections to Broad Gauge was being considered on merits on each case, he added.

The Railway Minister expressed the fear that the Railways were not likely to generate the resources of Rs. 940 crores expected of them for their programmes in the next five years and there would be a likely gap of Rs. 200 crores in the funds required for the implementation of the Railway Plan. He, however, assured the House that the Railways would do their best to curtail expenditure and to increase earnings and thereby try to augment their internal resources. He appealed to the Convention Committee to place the liability of the Railways for dividends to the Central General Revenues on a more equitable footing. He remarked: "It will not be unreasonable on our part to expect that we will be allowed a fair set off for services which we perform below cost on social grounds or national interest".

Referring to the casual workers in Railways, he assured the House that the Government would try to see that a large proportion of them had some prospect for the future.

The Railway Minister readily agreed to a suggestion made by various Members that "a great deal" had to be done to improve catering arrangements on the Railways and said that he would do his best. Referring to demands for abolition of the Railway Board, Shri Nanda assured the Members that he would have a close look into the whole organisation and system and find out where re-organisation and changes were required.

### III. LEGISLATIVE AND CONSTITUTIONAL

#### **Constitution (Twenty-fourth) Amendment Bill—Abolition of Privy Purses**

The motion for leave to introduce the Constitution (Twenty-fourth Amendment) Bill, 1970 moved by the Home Minister, Shri Y. B. Chavan was opposed in the House on the 18th May, 1970.

The Bill sought to delete those provisions in the Constitution *viz.* Articles 291 and 362 and clause 22 of Article 366 which enjoined the Government to pay to the rulers of former Indian States tax-free privy purses and guaranteed their rights and privileges given under various covenants and agreements.

Opposing the motion, Shri P. K. Deo (Swat.) said that as the covenants and agreements made with Princes formed the very basis of the Constitution, Parliament was not competent to do away with them. He contended that the Bill infringed Article 14 (equality before law) of the Constitution and also contravened the property right. The privy purse, he maintained, was a certain property, the payment of which was charged to the Consolidated fund of India. According to Article 31(2), no property would be acquired save for public purpose and save by authority of law, which provided for compensation. But this Bill, he said, did not enumerate any public purpose, nor did it contemplate any compensation to be paid. Therefore it was an expropriatory measure and affected the Fundamental Rights enshrined in Article 19(1) and Article 31(1) of the Constitution.

Shri Deo held that this was a money Bill under article 110(1)(b) and as such financial memorandum should have been attached to it. In the absence of the said memorandum, this House could not consider the Bill. He demanded that the issue be referred to the Supreme Court for its opinion under Article 143 of the Constitution.

Shri Yashpal Singh (UA) said that the Bill violated the solemn assurances given and promises made to the Princes.

Shri Bal Raj Madhok (JS) objecting to the introduction of the Bill said that the Bill was merely a "diversionary" tactic. Fully endorsing the views expressed by Shri Deo, he urged that flouting covenants and agreements was neither morally correct nor was it in the vital national interest of the country.

Shri Shiva Chandra Jha (SSP) welcoming the Bill complained that the Government had delayed its introduction.

Shri Madhu Limaye (SSP) criticised the Government for its vacillating policy and for the delay in the introduction of the Bill. He said that the constitutional objections raised against the Bill were baseless as barring Part III of the Constitution, the Parliament had the right to amend all other articles of the Constitution. He also did not agree with the contention that the Bill was a money Bill.

The Minister of Law and Social Welfare, Shri P. Govinda Menon while dealing with the Legislative competence of Lok Sabha said that the present Bill had been brought forward in pursuance of the statement made by the President during his Address to the Joint Session of Parliament on the 20th February, 1970. This Bill, he said would

fall under Article 117 of the Constitution and not under Article 110 as contended, because it did not contain only money provisions.

Shri Govinda Menon declared that to say that this Parliament had no power under Article 368 to delete three articles of the Constitution was really to plead for half a dozen people and condemn the sovereign power of this House. He added that it was really an insult to this Parliament for any Member to say that this House had no power to amend the Constitution.

The motion was then adopted by voice vote and the Bill was, thereafter introduced.

### **Constitution (Amendment) Bill**

On the 13th March, 1970, Shri Madhu Limaye (SSP) had introduced a Constitution (Amendment) Bill seeking to delete the constitutional guarantee protecting the privileges of ICS Officers.

Initiating the discussion on the 26th March, 1970, on the Bill, Shri Limaye held that the Indian Civil Service, created by British Rulers with the limited purpose of collecting revenue, maintaining law and order and carrying out other normal duties of administration in the district was unsuitable to hold top posts at this juncture, when the country was engaged in welfare activities. In support of his argument Shri Limaye said that it was no other than Lord Curzon himself who had said about these officers that "left to themselves, they would oppose and throttle every reform."

Commending the Bill to the House, he said that the democratic revolution in the country got scuttled on account of the existence of this privileged class of ICS. There was absolutely no justification for the continuance in free India of special facilities and privileges enjoyed by this class during the British regime, he added.

Shri Bedabrata Barua (Cong.) supported the measure because the special position guaranteed to the ICS Officers militated against the basic concept of democracy, and urged that such privileges should be withdrawn.

Shri S. Kundu (PSP) charged that some of the ICS Officers who had been appointed as Ambassadors had failed in their task of projecting the true image of our country. He advocated the withdrawal of all privileges granted to ICS Officers.

Shri Onkar Lal Bohra (Cong.) supporting the Bill said that today the country needed civil servants with progressive views and a missionary spirit. With the presence of these ICS Officers in our country the entire administration had been vitiated.

Shri N. K. P. Salve (Cong.) also called for the withdrawal of the privileges of the ICS Officers since they were "saturated with arrogance."

Shri Sarjoo Pandey (CPI) called the Service a sort of black spot in our Constitution. It was only right and proper that Article 314 of the Constitution should be deleted, he urged.

Shri K. Ananda Nambiar (CPI-M) welcoming the Bill said that the very idea of continuing with a Service created "for the British Crown" and appointed by the British Secretary of State smacked of slavish mentality.

Resuming the discussion on the 10th April, 1970 Shri R. D. Bhandare (Cong.) said that the concept of special privileges was out of tune with the structure of the present day society. If the ICS Officers and Ex-ICS Officers considered the question from this angle they would perhaps themselves agree to the deletion of Article 314.

Shri J. M. Lobo Prabhu (Swa.) felt that a contractual obligation could not be defeated by an Act of Parliament, and added that the Supreme Court was the right authority to decide the issue.

Referring to the services rendered by ICS Officers to the country, Shri Lobo Prabhu said that whenever there was any disturbance in the country the services of the ICS Officers were fruitfully utilised. He added that during partition days it was the steel-frame of the ICS which stood by the people and worked for the people under conditions which were very distressing and which involved many risks.

Shri Randhir Singh (Cong.) supporting the Bill, blamed the I.C.S. Officers for delaying the independence of the country by 50 years.

Shri O.P. Tyagi (JS) favoured the abolition of all forms of privileges obtaining in the country so that discrimination existing between man and man was ended. He objected, however, to the doubts cast on the sense of patriotism of ICS Officers.

Shri Tyagi suggested that the Home Minister should hold discussions with ICS Officers on the matter and also seek the opinion of Supreme Court on this question.

Shri R. Barua (Cong.) opposing the measures remarked that it would demoralize the public servants.

Dr. Ram Subhag Singh (Cong-O) said that the efficiency, capability and sense of duty of ICS Officers was commendable. But that did not justify the privileges they enjoyed over other services.

Shri Tulsidas Jadhav (Cong.) suggested that there was no need for referring the matter to the Supreme Court.

Shri G. Viswanathan (DMK) appealed to the ICS Officers to voluntarily accept the decision of Parliament.

Shri C. K. Bhattacharyya (Cong.) said that the ICS was constituted to secure the British empire. According to him, the best solution to the problem was that the ICS Officers should themselves renounce the privileges.

Shri S. M. Krishna (PSP) said that the privileges, which the ICS Officers were enjoying were not in keeping with the democratic spirit.

Shri Inder J. Malhotra (Cong.) wanted not only the privileges to go, but the name of ICS to be dropped. This service should be merged with I.A.S., he suggested.

Shri Ram Sewak Yadav (SSP) called for the formulation of new Constitution which should provide special facilities to the neglected and down-trodden section of our society and abolish privileges at present granted to the affluent classes.



Shri Tenneti Viswanatham (UIP Gp.) said that the real question was whether a guarantee incorporated in the Constitution should or should not be respected. He felt that it was immoral to say that "our predecessors" were wrong in giving the ICS Officers a Constitutional guarantee and it must be changed.

Shri N. K. Sanghi (Cong.) felt that abolition of the privileges of the ICS Officers by removing Article 314 from the Constitution would demoralize the services as a whole. In his view, so long as those officers did their duty properly, their privileges should not be abolished.

Shri Sheo Narain (Cong.-O) said that the time had come when our ICS Officers should set an example by their character and loyalty towards this nation by working for bringing about socialism.

Shri Raghuvir Singh Shastri (BKD) said that times had changed and the ICS Officers should respond to it. Continuing his speech in the resumed discussion on the Bill on the 24th April, 1970, he added that it was incongruous that a handful of people should be entitled to special privileges, and argued that whatever might have been the justification for the privileges at that time, they did not fit in the present context and must be done away with.

Shri Shiva Chandra Jha (SSP) supporting the Bill said that the idea behind the measure was not merely to put an end to the privileges of ICS, but the spirit of domination among the officers.

Shri Bakar Ali Mirza (U.A.) opposing the Bill, said that the special conditions of service to which they were entitled were contracts between two parties and should not be changed unilaterally.

The discussion on the Bill was adjourned to the 28th April, 1970, after the House had adopted a motion to this effect moved by Shri Surendranath Dwivedy (PSP).

Speaking during the resumed debate on the Bill on the 28th April, 1970, Shri K. Hanumanthaiya (Cong.) remarked that such a legislation in fact should have been moved by the Government itself. But he cautioned, that in an anxiety to abolish the privileges, one should not go to the other extreme of tinkering with the service itself, namely, the service rendered by the I.C.S.

Intervening in the discussion, the Home Minister Shri Y. B. Chavan at the outset, pledged Government support to the Bill. The Home Minister said that when Article 314 was incorporated into the Constitution, national leaders perhaps had considered it necessary. But the time had changed and the Government had to review this matter.

Explaining as to why the Government was supporting the Bill and not bringing forward any legislation of its own, he said that the size of the problem was very small. Only 106 I.C.S. Officers were now in service and they would retire within a period of 8-9 years.

Continuing, the Home Minister said that it was not the Government's intention to denigrate the I.C.S. who had done commendable work, and served the country for the last 22 years. Elaborating Government's stand, he remarked "What we are agreeing is not to be ungrateful to the service. It is a question of accepting a principle that no class of people should have special privilege to the extent of excluding the power of Parliament."

Replying to the discussion, Shri Madhu Limaye emphasized that no particular class of service should have privileges under the Constitution and added that until the Constitutional guarantee was taken away, the law passed by Parliament would be declared *ultra vires* of the Constitution by the Supreme Court.

Shri Limaye pointed out that under the existing system of recruitment the posts requiring specialized and technical knowledge were mostly being manned by ICS or I.A.S. Officers. As such the technically qualified persons were at a disadvantage and he urged upon the Government to provide necessary chances to these persons so that they could rise.

On the motion for consideration of the Bill, the House was divided, Ayes 213; Noes 21. The motion was declared as not carried in accordance with Rule 157 of the Rules of Procedure and in accordance with the Constitution.

#### **Summons Issued by Supreme Court to Members**

Raising a question of privilege on the 3rd April, 1970, Shri Madhu Limaye (SSP) said that in the case relating to Jagadguru Shankaracharya, the Supreme Court had issued notice to five members of this House to appear before the Court within 30 days either in person or by an advocate. It had also been said in that notice that in default, the appeal would be proceeded with and determined in their absence.

He contented that such notices issued by the Supreme Court could be considered as constituting a breach of privilege of the House.

Shri S. M. Banerjee (CPI) said that he would not like confrontation between Parliament and Supreme Court as both were the creation of the Constitution. However, he said, Parliament must take serious view if the Supreme Court treated it with contempt. He said the matter should be referred to the Privileges Committee so that it could decide once for all.

Intervening in the discussion the Minister of Law and Social Welfare, Shri Govinda Menon recalled that on the earlier occasion, when this matter came up in the House as a result of the receipt of such notice from the High Court, we had taken the position that, under article 105, whatever was stated in the House could not be the subject matter of any proceedings in a court.

In the present case also, he suggested, that the better course would be to ask the Attorney General to point out to the Supreme Court that this matter could not be proceeded against on account of article 105.

The Speaker then observed as follows:

“I very much wish that the Supreme Court had realised the powers, privileges and immunities of this House even before admitting this petition. The position earlier pointed out by the Law Minister should have sufficed. I am really surprised that in spite of that leave to appeal was granted by the High Court. I do not go into the merits of the question. They are wise persons. But so far as this House is concerned we have got rights and privileges coming to us for centuries under the British conventions”.

“I ask Members concerned not to appear before the Supreme Court and I request the Law Minister to take other steps. I quite appreciate the position he had rightly taken; he should point out to the Supreme Court that this matter was discussed and he should arrange to explain the constitutional point to them. There should have been no need to repeat it. Still they are the Supreme Court; it does not matter if he repeats it there also. If anything comes again, we shall be at liberty to discuss the matter.”

**Continuance of Ministers after ceasing to be members of Parliament.**

The Minister of Law and Social Welfare (Shri P. Govinda Menon) making a statement in the Lok Sabha on April 6, 1970 said that the three Ministers, Dr. (Shrimati) Phulrenu Guha, Dr. S. Chandrasekhar and Shrimati Jahanara Jaipal Singh who had ceased to be members of the Rajya Sabha as from 3rd April 1970, had been asked by the Prime Minister to continue in office for some more time.

Shri Menon said that a question had been raised whether the continuance of these Ministers in office was constitutional. In the light of the provisions in Clause (5) of Article 75 of the Constitution, there was nothing unconstitutional or improper in these Ministers continuing in office for six months, and if they did not get elected to the Legislature within this period, they would have to leave.

**Prorogation of the Haryana Assembly.**

Notice of an adjournment motion about developments in Haryana was tabled by some Members in the Lok Sabha. Holding that the House was not competent to question the procedure adopted in the State Legislative Assembly, the Speaker did not accept the adjournment motion. However, he permitted the House to consider the constitutional aspect of the question. In that discussion, he observed, Members should avoid making any reference to the competence of the Haryana Legislative Assembly to take a particular decision as also to the ruling of the Assembly Speaker.

Accordingly Sarvashri Nath Pai and Atal Bihari Vajpayee moved a motion "That this House views with grave concern the prorogation of the Haryana Legislative Assembly, when a motion of a no-confidence in the Council of Ministers having been admitted was pending before the House, as a flagrant violation of the spirit of the Constitution likely to undermine our people's faith in the democratic process."

Initiating discussion on the Motion on the 4th March, 1970, Shri Nath Pai (PSP) said that the motion before the House was identical with the unanimous resolution adopted by the Conference of the Presiding Officers on the 7th April, 1968. The resolution read: "Observing that executive authority was exercised in a manner that was not always in keeping with the constitutional propriety so as to inspire confidence in the people....." The present motion and that resolution he said, had the same concern, the same interest and the same resolve to ensure the functioning of Parliament and also of the

State Assemblies in a manner that the spirit of our Constitution was upheld. The justification of the Governor's Office was that he had to be an agent of the Indian Constitution, the link between the Union and the State. He must preserve, protect and defend the Constitution and the law and devote himself to the service and well-being of the people.

In terms of the said resolution, Shri Nath Pai remarked that even when the Speaker adjourned the House, if there was a motion of no-confidence against the Speaker, the House must meet to consider and debate and dispose of the matter. Here there was a no-confidence motion against the Chief Minister belonging to a Party. Could we give the Chief Minister what was denied even to a Speaker? He posed this question to the House.

Continuing, he said that the prorogation of the Assembly of Haryana was a fraud on the Constitution, because the Members who had moved the motion of no-confidence were deprived of their right to have a discussion and debate under the Constitution and the Rules of Procedure. It was the bounden duty of the Governor of a State not to prorogue the House, knowing that a no-confidence motion was pending before it.

The conclusion was irresistible that the Governor in this case had failed in his basic duty of seeing that the spirit of the Constitution was upheld. It was here, Shri Nath Pai said, that the responsibility of the Union Home Minister arose under Article 356. The no-confidence motion, the answerability to the people, was the cardinal weapon, the shield of democracy, and if somebody tried to blunt it, it was nothing short of violation of the Constitution, he added.

Shri Gajraj Singh Rao (Cong.) observed that in the matter of prorogation of the Assembly, the Governor had to go by the motion adopted by the House.

Shri Tenneti Viswanatham (UIP Gp.) said that the Governor should have exercised some discretion in the matter. It might be that he had used his discretion wrongly. The Central Government had no right to interfere with his discretion.

Shri Randhir Singh (Cong.) said that the validity of any action of the Governor whether he had done that in his own discretion or whether that action emanated from the advice tendered by the Chief Minister or the Cabinet could not be questioned. The Governor had not flouted the Constitution and could not be blamed.

Shri Shantilal Shah (Cong.-O) said that it was the duty of Governor to preserve, defend and protect the Constitution. His fault was that he had violated however innocently the obligations which he must be taken to have known. A procedural power had been used to subvert the substantive content of our democracy. What happened in Haryana, he said, could be examined very closely without any bias by competent legal officers so that further frauds of this nature might not be played on the Constitution.

Shri R. D. Bhandare (Cong.) felt that it was the constitutional duty of the Governor to ask the Chief Minister to reconsider his decision for an adjournment of the Assembly when a no-confidence motion was pending. However, instead of condemning the Governor as the motion sought to do, he would suggest to the Home Minister to educate the Governors.

Shri N. G. Ranga (Swa.) said that it had been rightly suggested that the Home Minister should see that the Governors tried to educate themselves and also see that they exercised their powers in a more sensible and democratic manner which would redound to the credit of the institution of Governorship and which would be useful to the observance of constitutional propriety.

Shri Shri Chand Goyal (JS) was of the view that it was not incumbent on the Governor to prorogue the Assembly, in terms of Article 174, if the House was adjourned *sine die*. The powers of the Governor in this regard should be reconsidered, he said, and the present gap of six months between two sessions of a Legislative Assembly be reduced to two months. He had no doubt about the impropriety of what had happened and said that even now the Governor could make amends by calling the Assembly so that the motion of no-confidence could be discussed.

Shri P. Ramamurti (CPI-M) said that the prorogation of the House was not the act of Governor alone as he had to act on the advice of the Chief Minister. It was true that the Chief Minister did not act properly and democratically but perhaps it was not possible for us to separate the aspects. The proper forum to discuss the whole issue was the Assembly itself, he added.

Shri Bedabrata Barua (Cong.) said that anything done in the State Legislatures must not be debated in Parliament. When the adjournment motion was passed by the Assembly, it was an expression of confidence in the Government because the Leader of the House had proposed the motion.

Shri Era Sezhiyan (DMK) said that the Assembly functioned under its own rules and procedure and the Constitution. As long as this was done, any decision of the legislature even if it was bad, could not be questioned. The Rules of Procedure and the Constitution, if necessary, should be amended. He favoured an amendment of the Constitution to the effect that whenever a requisite number of legislators wanted it, the Assembly should be convened.

Shri Vasudevan Nair (CPI) said that a Governor could not but accept the advice of a Chief Minister in any State because the Chief Minister was in control of the situation. So far as the motion before the House was concerned, the difficulty was, that if the House adopted it, it would set a bad precedent because the spirit of that decision would be an encroachment on a matter coming entirely in State sphere and a reflection on what had happened in the Legislature of Haryana.

Shri J. H. Patel (SSP) asked as to why the Governor had not used his discretion in strict conformity with the provisions of the Constitution. He suggested that the office of the Governor should be abolished and another Constituent Assembly should be convened for the purpose of revising the Constitution with a view to removing its shortcomings.

Shri D. K. Kunte (BKD) said that the Governor of Haryana could have referred the matter to the President for his advice. In humbly submitting to the advice of the Chief Minister he had given a go-by to the Constitution and had done disservice to the democratic right of the people of the State.

Shri Yashpal Singh (UA) said that the Governor should be asked to summon the Assembly again so that the support of the Government could be tested.

Shri Ram Kishan Gupta (Cong-O) said that the Governor had acted unconstitutionally in proroguing the Assembly. The Home Minister should ask the Governor to call the Assembly again within a week.

Intervening in the debate, the Minister of Home Affairs, Shri Y. B. Chavan, said that there were three Articles viz. 200, 239(2) and 356, under which the Governor acted as an agent of the Centre while in other matters he functioned as the Head of the State. It had been said that the Governor should have refused to prorogue as thereby he would have given an opportunity to the Assembly to consider the no-

confidence motion. Even if he had not prorogued the Assembly, unless the Council of Ministers agreed to call the House, the House could not have been called. The rule was applicable even now after prorogation. How could one hold the Governor responsible and say that he refused to give the House an opportunity to express its confidence or no-confidence in the Ministry, Shri Chavan said.

The Governor acted not in a vacuum, but in the light of certain things that took place. One of those things was that by a majority, the Chief Minister had demonstrated that the House was with him. The Governor had no other alternative in this particular case than to accept the advice of the Chief Minister. Even otherwise, it was the Governor's constitutional duty to accept the advice of the Chief Minister, he said.

Referring to the views expressed by some Members that the Governor should have refused to prorogue the Assembly and as he had not refused the Central Government had made a mistake by not directing the Governor to refuse prorogation, he said that the Central Government could not take such a responsibility to subvert the Constitution.

While replying to the debate Shri Nath Pai (PSP) said that under Article 356 of the Constitution, the President could act if he was satisfied that there was a violation of the spirit of the Constitution and for that he did not need a report. Even today, he said, the President should be persuaded that the Governor of Haryana should be directed that the people of the state, through their chosen representatives, be allowed to exercise their basic right to decide whether that Government enjoyed the confidence of the majority.

After Shri Nath Pai had replied to the debate, the motion was put to vote and was negatived by 35 votes to 124.

#### **Prorogation of Jammu and Kashmir Legislative Assembly**

A Calling attention "on the prorogation of the Jammu and Kashmir Legislative Assembly by the Governor as advised by the Chief Minister who had reportedly lost majority in the Legislative Assembly" was tabled by Sarvashri Hem Barua, Hardayal Devgun, D. N. Patodia, E. K. Nayanar and Prakash Vir Shastri. The matter was raised in the House by Shri Hem Barua (PSP) on the 17th March, 1970.



Making a statement in reply, the Minister of Home Affairs, Shri Y. B. Chavan, said that according to a report received from the State Government, the order of prorogation was necessitated on account of the agitation launched in Jammu by various groups and parties which had seriously affected the proceedings of the legislature. In proroguing the Houses of the legislature, the Governor had acted in accordance with the provisions of the Constitution of Jammu and Kashmir, he added.

Replying to the questions, the Minister of Home Affairs, said, that the Central Government could not afford to give any advice to the Chief Minister to step aside. But from the statement that the Chief Minister made to the press, it appeared that he was going to call the Assembly before the end of this month. It would not be proper to discuss what the Chief Minister did was right or wrong. In the matter of prorogation, the Governor had no option but to accept the advice of the Chief Minister.

Shri Madhu Limaye (PSP) raising a point of order said that Article 335 of the Constitution provided that it would be the duty of the Union Government to ensure that the Government of every State was carried on in accordance with the provisions of the Constitution. To prorogue the legislature on the plea that a certain agitation, which was a peaceful agitation, was going on in Jammu, was a clear violation of the Constitution.

Shri S. K. Patil (Cong.-O) said that there were certain activities in the functioning of the administration in which the Governor was bound to accept the advice of the Chief Minister, but in an emergency when the Governor was reasonably convinced that the Chief Minister did not enjoy the majority in the House, he had been left with his discretion.

Shri Amiyannath Bose (UA) said that the provision that the Governor "shall" act on the advice of the Chief Minister was a general provision. So far as the right of prorogation was concerned, the expression used in the Constitution was "may".

Shri Nath Pai (PSP) said that the Governor was advised by the Chief Minister who had run into troubled waters and the Governor was aware of it. The advice was to prevent the Assembly from exercising its sovereign right to see whether he enjoyed the majority or not. When the Governor became a party to that, he violated his oath that he had taken to uphold the Constitution.

Shri Inder J. Malhotra (Cong.) pleaded that keeping in view the situation in Jammu and Kashmir which was going from bad to worse, the House should be given an opportunity to discuss all these constitutional points and the issues arising out of them.

During the discussion Shri S. N. Dwivedy (PSP) sought clarification from the Chair whether constitutional doubts could be got clarified through Calling attention Motions or by allowing regular discussion.

Replying, the Speaker observed as follows:

“I allowed discussion because there was a Calling-Attention Motion. I allowed it because there were Adjournment Motions.....

“Secondly, you are asking my opinion and I think that as Speaker of this House, I should not sit in judgment over decisions and conduct of the Governors.”

#### **Role of Governors in Ministry-Making in U.P. and Bihar**

A discussion under Rule 193 (matter of urgent public importance) on the ‘Role of Governors in the recent Ministry-making in U.P. and Bihar’ was raised in the House on the 23rd February, 1970 by Sarvashri S. S. Kathari, Madhu Limaye, Hardayal Devgun, Atal Bihari Vajpayee and Shri Chand Goyal.

Initiating the discussion, Shri S. S. Kothari (J.S.) said that the institution of Governors was getting into discredit and people were gradually losing their faith in it. The Governors, he said, were being reduced to play the role of the instruments of the ruling party at the Centre and were not acting according to constitutional provisions.

Shrimati Sucheta Kripalani (Cong-O) said that the Governors of U.P. and Bihar did not act according to their conscience or according to the Constitution—they were directed to act in a certain manner. The post of Governor should be abolished, she said, if this office was going to be misused in this manner, and instead, the Chief Justice of the State who would act with a more judicious mind, should be entrusted to carry on the formal duties of the Governor.

Shri Dwarka Nath Tiwari (Cong.) referring to the criticism of the Bihar Governor, said that he had invited Shri Daroga Rai to form the Ministry after ensuring that he had a majority with him. The session of the Assembly had been called where the majority could be tested if there was any doubt about it, he added.

Shri N. G. Ranga (Swa.) observed that it was deplorable that moral standards in our public life had fallen very low, as was evident from the developments in U.P. and Bihar where the Governors were being guided by the judgment of the Prime Minister. It was high time, he said, that the ruling party at the Centre turned a new leaf in their public conduct and formed an honourable, democratic and patriotic partnership of all elements, people and groups who were loyal to democracy and to fundamental rights.

Shri A. K. Sen (Cong.) said there was no evidence in support of the allegations that the Governors of U.P. and Bihar had acted partially.

Shri Era Sezhiyan (DMK) said that the frequent criticism of the role of Governors led one to believe that there were certain lacunae in the Constitution. A review of the Constitution was, therefore, necessary with a view to defining the powers and the guidelines by which the Governors should act.

Shri S. A. Dange (CPI) observed that the institution of Governors was highly undemocratic and should have been abolished. If real democratic policies were to be followed, he said, majority must be shown on the floor of the House and not behind the curtain, either to the Governor or to anybody else.

Shri M. A. Khan (Cong.) said that the resignation by Shri C. B. Gupta proved that he was in a minority. The session of the Assembly had now been called and the support of the present Government could be tested on the floor of the Assembly, if there was any doubt about it.

Shri Prakash Vir Shastri (BKD) said that it was difficult to understand how the Governor could be criticised for calling Shri Charan Singh to form the Government when both the old and the new Congress parties had supported him. If Shri Charan Singh did not have the majority, the issue could be decided on the floor of the Assembly which was meeting on the 26th February, he added.

Shri B. P. Mandal (UA) said that in U.P., both the sides had offered their support to Shri Charan Singh and he chose to accept the support of Shri Tripathi's group. The Governor could not be blamed for this.

Shri Ram Sewak Yadav (SSP) remarked that the Central Government exercised pressures on the Governors to instal the Governments of their choice and, if that was not possible, to recommend imposition of President's rule. In this context, he referred to the Bihar report of 11th February suggesting extension of President's rule and his subsequent report of the 14th instant which was altogether different. In U.P., he said, the Governor did not invite Shri Charan Singh to form the Government on the recommendation of the outgoing Chief Minister, Shri C. B. Gupta, but did so only after a visit to Delhi. In these circumstances the action of the Governors of both the states aroused suspicion.

Shri P. Ramamurti (CPIM) said that the Governors were always found to be acting in the interests of the ruling party. But those who criticised the Governors now did not raise a little finger when their roles in Madras and West Bengal in 1952 and 1967 respectively came under fire.

Shri Lakhnan Lal Kapoor (PSP) said that there was a race for capturing power and for forming Governments in the States. The way things were happening was not a healthy sign for the country, he added.

Shri Prem Chand Verma (Cong.) said that instead of discussing the role of Governors, the role and character of the elected representatives of the people who changed their stand so quickly and indulged in the game of defection, should be discussed.

Replying to the discussion, the Minister of Home Affairs, Shri Y. B. Chavan, said that the CPI and the PSP, the two parties in the Bihar Assembly which had got reasonable strength, had assured the Governor in writing that they were prepared to support the Government of Shri Daroga Rai. In the circumstances, the Governor would have failed in his duty if he had not recommended the formation of a popular Government in Bihar headed by Shri Daroga Rai.

Referring to U.P., Shri Chavan said that after the split in the Congress party, it had become clear that only Shri Charan Singh could lead the Government. The Governor should not, therefore, be blamed for it. Defending the role of the Governors, the Home Minister said that during the last two or three years, political parties had erred, calculated and miscalculated but the Governors' calculations in all the States such as Kerala, Bihar, West Bengal and U.P., had come true. Whether the judgment of the Bihar and U.P. Governors now was right or wrong was ultimately to be seen on the floor of the Bihar and U.P. Assemblies, he observed.

**Procedure Followed by West Bengal Governor Regarding Formation of Government in West Bengal.**

A Calling Attention notice on the "procedure followed by Governor of West Bengal in asking the non-CPI (M) Parties to state the grounds as to why the CPI(M) should not be called upon to form a Government in the State" was tabled by Sarvashri Madhu Limaye, Nath Pai, Beni Shanker Sharma, Samarendra Kundu and Om Prakash Tyagi. The matter was raised in the House by Shri Madhu Limaye (SSP) on the 24th March, 1970.

Replying, the Minister of Home Affairs, Shri Y. B. Chavan informed the House that following the resignation of Shri Ajoy Mukerjee, the Governor of West Bengal explored the possibility of formation of an alternative Ministry in the State. But when he came to the conclusion that there was no prospect of such an alternative Ministry, he recommended to the President to issue a Proclamation under Article 356.

Strong exception to the Governor's broadcast and the letter written by him to the political parties was taken by the Members who had tabled the calling attention notice. Replying to the criticism, Shri Y. B. Chavan said that the Governor naturally wanted to see whether the leader of the largest party had the support of any other political parties so that representative Government could be restored in the State. It was wrong to allege that the Governor was trying to support any particular party or Front as such. The language he used in his letter was not the language of a show-cause notice; however, he could have avoided asking this information, he added.

There was scope for giving certain guidelines to the Governors, particularly relating to the transitional period; but those guidelines would have to be based, he said, on the agreement of all political parties so that it might have the force of convention. In this connection he informed the House that sometimes back, he had consulted some leading jurists of the country in the matter and certain consensus was evolved as to the guidelines. The jurists were of the opinion that the Governor should try to find out that the person to be called upon to form the Government had the support of the majority in the legislature. The views of the jurists were conveyed to all the leaders of the political parties nearly 1½ years ago, but no reply had been received from them, he said.

**President's Rule in West Bengal—West Bengal Budget and Demands For Grants**

Initiating the combined discussion on a motion for approval of proclamation of President's rule in West Bengal as well as Budget proposals for the State for 1970-71 on the 30th March, 1970, the Minister of State in the Ministry of Home Affairs, Shri Vidya Charan Shukla explained the circumstances which led to the issue of Presidential proclamation on the 19th March, 1970. Summing up the Centre's attitude, Shri Shukla said that efforts would be made to give the people of West Bengal a "positive and dynamic administration" and not a "static or stand-still one". He added that the Government intended to cleanse the administration in the State of political motivated elements. It would take little time for the law and order situation to return to normalcy, he said.

Shrimati Sucheta Kripalani (Cong.-O) said that she had no hesitation in supporting the President's rule in West Bengal, but observed that the Central Government should have woken up earlier. The main responsibility for what had happened in that State lay with the Prime Minister and the Home Minister, she said, and suggested that a non-partisan Governor should be sent there.

Shri Parimal Ghosh (Cong.) blamed the Centre for consistent neglect of West Bengal and attributed the steady decline of industry in West Bengal to preferential treatment by the Centre to other States like Maharashtra and Gujarat and also to its licensing policies which had worked against the interests of the State. Even the Fifth Finance Commission, he regretted, had not been fair to West Bengal.

Shri D. N. Patodia (JS) urged declaration of emergency in the State and the banning of the CPI(M) Party. He suggested that till the time disruptive forces were weeded out from the administration, there should be no talks of fresh election.

Shri Sita Ram Kesri (Cong.) held the CPI(M) responsible for recent happenings in West Bengal. He suggested that due to strategic importance of the Eastern region, West Bengal should be made economically strong and politically stable.

Shri Jagannath Rao Joshi (JS) said that State Government itself had encouraged lawlessness in the State with the aim of creating conditions of disorder and subverting the Constitution. According to him, of the 498 murders committed in the State during the last three years, 98 were political murders.

Shri A. K. Sen (Cong.) said that the recent happening in Burdwan had convinced that the entire police administration had been subverted to serve the interest of the CPI(M). He said that a sum of Rs. 1 crore provided for development of Calcutta, including capital project, would not be sufficient and suggested that it should be raised to Rs. 2 crores.

Shri N. C. Chatterjee (UIP Gp.) urged that normalcy should be restored in the State as early as possible.

Shrimati Uma Roy (Cong.) demanded that judicial probe should be held into the incidents of murders in Burdwan. She regretted that the Budget did not give any clue as to how the problems of economic development and unemployment in the State would be solved. She suggested that the Central Government should take steps for the commissioning of an oil refinery and a fertilizer project in the state as early as possible. She further added that the agricultural lands forcibly taken away and distributed to the members of political parties, should be recovered and returned to the owners.

Dr. Ranen Sen (CPI) held CPI(M) mainly responsible for the promulgation of President's rule in West Bengal, and alleged that instead of trying to implement the 32-point programme of the UF, the CPI-M used the State machinery for furtherance of its own interests.

Shri Krishna Kumar Chatterjee (Cong.) welcoming President's rule in the State, said that after independence Bengal had paid the heaviest price in blood and tears. He suggested that the problems of poverty, unemployment, illiteracy, social and economic injustice should be tackled effectively.

Shri Jyotirmoy Bosu (CPI-M) accused the Congress Government at Centre for ruining the State during the last 20 years and alleged that the Centre had given step-motherly treatment to West Bengal throughout in the matter of financial assistance. He wanted the Assembly to be dissolved and fresh elections arranged within the shortest possible time.

Smt. Ila Palchaudhuri (Cong.) asked the government to ensure that all land forcibly taken away should be rescored to the proper owners whose holdings did not exceed the statutory limit. She claimed that during 375 days of U.F. rule, there were 600 murders and 900 dacoities.

Shri Parkash Vir Shastri (BKD) suggested that in the interest of people of West Bengal, President's rule should continue till 1972 and in addition, a strong Governor should be posted there.

Shri Samar Guha (PSP) said that as part of the CPI-M's "grand strategy" for a major assault on democracy a volunteer force had been raised by the party. He demanded that a Commission should be appointed to inquire into atrocities committed by CPI-M in West Bengal.

Shri Deven Sen (SSP) giving an account of various barbarous acts committed in the State, said that judicial probe by a High Court judge from outside West Bengal should be ordered.

Shri J. M. Biswas (CPI) asked the Government to rush relief to famine-stricken people of Purulia District.

Shri B. K. Daschowdhury (UIP Gp.) desired that Home Ministry should inquire into political murders in the State.

Shrimati Sharda Mukerjee (Cong-O) held the Centre solely responsible for the present happenings in West Bengal. She criticized a statement made by the Governor in which he had said "the Assembly there has been suspended in the hope that every constituent party there may think 'We shall have an opportunity of forming a Government'." This seems a very suspicious thing, she said.

Dr. Maitreyee Basu (UA) said that the people of Bengal had breathed a sigh of relief at the introduction of President's rule.



Replying to the discussion, the Minister of State in the Ministry of Home Affairs, Shri Vidya Charan Shukla rejected the demand for recall of the Governor by saying that Central Government had complete confidence in the Governor's ability to run the State's administration during the period of President's rule in accordance with the Constitution. Since the Centre was in fact charged with West Bengal affairs, he added, it was no use dragging the Governor into the controversy. He also did not accept the demand for dissolution of the State Assembly and immediate holding of a mid-term poll.

Referring to the demand for a judicial inquiry into the happenings in Burdwan district and other places in West Bengal during the U.F. rule, Shri Shukla said that an inquiry had already been initiated into the reported killings of some people in Burdwan. The Governor had visited the place and some of the officers concerned had been transferred. The report of the inquiry was awaited. Only after receiving it, Government would be in a position to decide what action should be taken in the matter.

The Minister of State in the Ministry of Finance, Shri P. C. Sethi countered the allegations made by certain members that West Bengal was given step-motherly treatment in the matter of allotment of funds. On the other hand, he said Bengal was one of those States where Central investments on Central projects was very high. West Bengal had also substantially benefited under the Fifth Finance Commission. During the current year, transfer to West Bengal by way of share of central taxes, duties, and statutory grants amounted to Rs. 73.98 crores as against Rs. 47.74 crores in terms of award of the Fourth Finance Commission.

Referring to the criticism regarding provision of only Rs. 1 crore for the development of Calcutta and Capital project, Shri Sethi said that this amount was only for four months. A sum of Rs. 5.02 crores had been provided for the city. The overall plan for the city of Calcutta would be of the order of Rs. 50 crores during the Fourth Plan period.

The Lok Sabha then approved the motion for proclamation of President's rule and passed the budget. It also voted without any discussion, the supplementary demands for grants for the State for 1969-70 and passed the respective appropriation bills.

#### IV. LAW AND ORDER

##### **Beating of Some Members of Parliament**

On the 6th April, 1970, when the House re-assembled after the lunch-break, Dr. Ram Subhag Singh Leader of Opposition, Prof. H. N. Mukerjee and Shri J. H. Patel, who had earlier given notices of the Privilege motions for an alleged beating of some Members of Parliament by police at Patel Chowk, Parliament Street, demanded that the House should discuss this matter on an adjournment motion. In this move, they were joined by Sarvashri M. L. Sondhi, Era Sezhiyan and Rabi Ray and others.

The Deputy Speaker, Shri G. G. Swell, who was in the Chair, expressed his inability to allow discussion on the motion on the same day as under Rule 57 of Rules of Procedure and Conduct of Business, notice of such an adjournment motion had to be given before the commencement of the sitting. But he consented to the motion being discussed, after the House unanimously adopted a motion moved by Shri Era Sezhiyan (DMK) for the suspension of the relevant rule.

Dr. Ram Subhag Singh (Cong-O) moving the motion "that the house do now adjourn" said the police had made a brutal attack on more than 100 poor and down-trodden women who had come to the capital from different parts of the country. He charged that the police had also mercilessly beaten up some Members of Parliament namely Sravashri George Fernandes, Raj Narain, Madhu Limaye, Molahu Prasad, R. S. Yadav and J. H. Patel. Dr. Singh remarked that what was worse was that the lathi-charge was made without promulgating an order under Section 144 of I.P.C. The Government had thus acted in a manner which was very shameful and declared that such a conduct was "anti-people, anti-democratic and also anti-socialistic".

Shri N. G. Ranga (Swa.) charged the Government with their incompetence to control its own police force "and ensure that the police resorted to the use of force where necessary." He criticised the ban order imposed by Government on assemblies and processions in the vicinity of the Parliament House. By beating the well-known Members of this House, he said, the police had shown that "with the permission of the Home Minister and the acquiescence of the Prime Minister", they could continue to exercise the power they held during British rule. He demanded the resignation of Home Minister.

Shri M. L. Sondhi (JS) urged that Section 144 should not be imposed in this blanket fashion so as to frustrate the work of MPs or to prevent people from presenting their grievances to Parliament. He called for the resignation of the Home Minister and the immediate institution of a judicial inquiry.

Shri Bedabrata Barua (Cong.) suggested that in addition to judicial probe into the incident, the Privilege Committee should also go into this matter.

Intervening in the discussion, the Prime Minister Shrimati Indira Gandhi expressed her sorrow and distress at the injuries suffered by the Members of Parliament and others. She announced that the Government would order a judicial inquiry into the matter.

Shri Era Sezhiyan (DMK) was also of the view that apart from holding a judicial inquiry, this matter should also be referred to the Privileges Committee, since Members of Parliament had been molested and restrained from carrying on their duty. The decision of the Privilege Committee should be binding on the Government and the country, he added.

Shri Randhir Singh (Cong.) welcomed the announcement about judicial inquiry and also supported the demand for referring the matter to the Privileges Committee.

Shri Hiren Mukherjee (CPI) expressed the hope that the officials found guilty would be administratively punished. He added that clamping of Section 144 on the area abutting Parliament should be given up for all times to come so that the people have a free access to their representatives.

Shri Mukherjee also supported the move of referring the matter to the Privileges Committee.

Shri E. K. Nayanar CPI(M) also supported the plea for lifting of Section 144 from the vicinity of Parliament House and holding of a judicial probe into the whole matter.

Shri S. M. Joshi (SSP) after giving full account of incident to the House, suggested that a throughout inquiry was called for by a serving judge of either the Supreme Court or a High Court and the officials concerned should be suspended.

Shri R. D. Bhandare (Cong.) favoured suspension of the officials and referring of the matter to the Privileges Committee. He felt that since judicial inquiry had been ordered, the present motion would not serve any useful purpose and as such it should be withdrawn.

Shri Hem Barua (PSP) alleged that the Parliament Street Police had become extremely arrogant and hot-headed and this was not the first time that they had behaved atrociously. He demanded that the officials and others who had unleashed force against peaceful demonstrators, should be brought to book.

Shri J. B. Kripalani (UA) said that instead of blaming the police, the politicians were to be blamed, as they had set at nought everything that was sacred in our life. It was people's fundamental right to acquaint MPs and the Government with their grievances. If this fundamental right was taken away, liberty was not worthwhile, he added.

Shri G. V. Swamy (Cong.) said that the behaviour of police should be condemned and demanded that the officers concerned should be suspended immediately.

Shri K. Narayana Rao (Cong.) expressed sorrow for what had happened and suggested that it had become necessary to ensure that the ordinary citizen was protected from the violent activities as the peaceful demonstration generally erupted into violence.

Shri Bakar Ali Mirza (UA) supporting a judicial inquiry into the incident sought an assurance from the Government that wherever firing took place, a judicial inquiry would be ordered by it as a matter of routine.

Dr. Sushila Nayar (Cong.-O) held the Government itself responsible for the action of the police.

Shri M. Muhammad Ismail (Cong.) hoped that the inquiry to be conducted would be of the highest order and that the Government would also take steps to scrupulously maintain the privileges and prestige of the Members of the House.

Shri Samar Guha (PSP) pressed for a probe by CBI, as according to him, that would only help in finding out the real conspirator behind this happening.

Shri S. M. Banerjee (CPI) said that besides holding a judicial probe, suspending the officials concerned, the Home Minister should also resign.

Replying to the discussion, the Minister of Home Affairs, Shri Y. B. Chavan said that he shared the feelings of the Members fully. Giving vent to his sentiments, he said: "I am very sorry and regret very much for it, if any apology is required on behalf of the Government, I am prepared to give it here."

Shri Chavan denied that there was any political motivation in the incident and any discrimination against opposition parties. He added that it had been his anxiety and concern that whenever Parliament was in session nothing untoward occurred. Accordingly for the last three years Section 144 had been promulgated so that Parliament could hold its sittings peacefully.

The Home Minister confirmed that as declared by the Prime Minister there would be a judicial inquiry by a High Court Judge who was serving. As regards the question of suspension of Officers, he said, this was a matter which had to be gone into.

Pressing for the adoption of his motion, the mover Dr. Ram Subhag Singh said that he would not blame the police or magistrate, but would hold the Government squarely responsible as it had "totally polluted the atmosphere in the country and brought about disruption of the political life of the country."

He charged the Prime Minister and her Government with attempting to eliminate political opponents and demanded its resignation. He felt that the judicial inquiry was meaningless.

The motion was then put to vote and was negatived by 113 to 152 votes.

On the 7th April, 1970, a motion of privilege covering two important points—beating of the M.Ps by the police and obstructing them on their way to Parliament was adopted by the House and the matter was referred to the Committee of Privileges.

#### **(b) Communal riots in the country**

A discussion under Rule 193 on the matter of urgent public importance on the "Recent communal riots in the country" was raised on 14th May, 1970 by Shri Atal Bihari Vajpayee (J.S.). The notice of motion was tabled jointly by Sarvashri Atal Bihari Vajpayee, Om Parkash  
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Tyagi, Bal Raj Madhok, Kanwar Lal Gupta, Shri Chand Goyal Jyotirmoy Bosu, K. Ananda Nambiar, Nath Pai, Hukam Chand Kachwai, S. M. Banerjee, S. S. Kothari and N. K. P. Salve.

Initiating the discussion, Shri Atal Bihari Vajpayee pointed out that the situation arising out of the communal riots in different parts of the country had become very grave and the solidarity of the nation was at stake. It was most essential that serious thought should be given to the causes that led to communal disturbances in the country.

Analysing the causes for the outburst of communal riots in the country, Shri Vajpayee mentioned three factors—(i) Muslims in this country felt that they had no place in the existing set up and as such they might better die fighting; (ii) some vested interests were determined to create communal disturbances and disorder at the instance of the sinister designs of Pakistan; (iii) their leaders generally did not wish them to mix in the mainstream of the national life, but wanted them to retain a separate entity, quite aloof from the majority, community.

He thus warned against underestimating Muslim communalism and said that as a reaction to it Hindu were becoming militant.

For combating the menace of communal disharmony, Shri Vajpayee suggested that the question should be dealt with at national level and the National Integration Council should be expanded by including various political parties and nationalist Muslim leaders in it.

Summing up, he warned that the country today was heading towards disintegration and destruction. Any delay in solving the question of communalism would simply spell disaster for our democracy and socialism in the country.

Shri Tulsidas Jadhav (Cong.) felt that the speech of Shri Vajpayee would arouse communal passion. He advised that since Hindus and Muslims were to live together, it should be the duty of every one of us to behave in a manner as would foster mutual understanding and goodwill.

Shri S. K. Patil (Cong.-O) urged that politics should be kept out of the question and added that a larger responsibility laid on the Hindus to create an atmosphere where everybody could live in peace.

Shri Sita Ram Kesri (Cong.) demanded the ban of all communal organisations. He advocated the set up of the Ministry of Communal harmony at the Centre deal with issues relating to communal peace.

Shri J. Mohammed Imam (Swat.) said that the Muslims were an integral part of India and their cooperation and integration was necessary to forge the Indian nation. But he pointed out that Muslims in the country had a lurking fear that they were sitting on a volcano and the Government of India gave them no protection.

He asserted that the Muslims were Indian citizens to the core and did not indulge in anti-national activities. This, he said, was amply manifested by them when they lent unstinted support to the Government during Indo-Pak war in 1965.

Shri N. K. P. Salve (Cong.) felt that the communal riots were a slur on the nation and demanded more stringent measures to curb this menace.

Shri S. A. Dange (CPI) called Shri Vajpayee's speech as a "manifesto of calling upon Hindus to start a civil war against all non-Hindus". He opined that banning of Jan Sangh, or R. S. S. or any other party would not help. He advocated the banning of monopoly papers which gave wider publicity to such events.

Shri K. Subramulu (DMK) suggested that powerful media of cinema and theatre should be utilized for carrying the message of secularism and communal harmony and goodwill.

Intervening in the discussion, the Prime Minister Shrimati Indira Gandhi strongly criticised the speech made by Shri Atal Bihari Vajpayee.

Condemning communalism, she remarked:

"Communalism, whether it is Hindu or Muslims or Sikh or by any other community is deplorable. It is not true to say that we have not deplored when any Muslim organisation or Muslim individual has said something which is capable of inciting people or leading to any kind of outburst. . . . ."

She pleaded that "anywhere, where some people are stronger, they do have a responsibility towards the weaker section".

Referring to the causes of communal riots in the country, the Prime Minister said:

". . . . .What brings these riots? This was the question asked by Shri Atal Bihari Vajpayee. Is it a little boy

who threw a stone who begins the riot? Is it the person who might do the first killing who begins the riots? Or is it the atmosphere that is spread by speeches of the type which we heard here today? Is it this atmosphere which starts all these disturbances. . . . . It is a coincidence that people who belong to the R.S.S. or the Jan Sangh go somewhere, soon afterwards, there is a riot in or close to that place”.

Regarding the steps the Government propose to take to check the menace of communal disharmony, the Prime Minister said:

“ . . . . . There are no new steps in that sense. People have suffered and we have to see firstly what relief has to be given immediately and what we can do on a slightly long term basis. . . . . Now apart from the question of relief and so on we must all get together and see how we can prevent this kind of atmosphere growing, how we can go down to the people village by village, and mohalla by mohalla to create that type of neighbourly feeling which in the last analysis is the only protection.”

Shri Syed Badrudduja (UIP-Gp.) called for the implementation of the report of the National Integration Council in all its implications.

Shri Jyotirmoy Bosu (CPI-M) said the communal riots were a British creation for political and economic gains. He suggested the setting up of permanent parliamentary machinery to check the communal forces like RSS, Jan Sangh, Shiv Sena and Anand Marg.

Shri M. A. Khan (Cong.) said that the communal riots were not accidental but they broke out under the preplanned schemes of communal section.

Shri Nath Pai (PSP) said that communal violence could not be completely isolated from the atmosphere of general violence in the country, which was basically the result of the weakening authority of the Centre. He felt that it was not the Muslims alone who had to be Indianised, millions of Hindus who had not been integrated because they were dispossessed, had also to be Indianised.

Shri M. Muhammad Ismail (UA) suggested that the police should be instructed to act promptly and impartially, whenever communal riots occurred. He also pleaded that concrete steps should be taken to compensate and rehabilitate the riot-affected people.



Shri Randhir Singh (Cong.) suspected the hands of capitalists in the communal disturbances and suggested the strengthening of the intelligence system. He also suggested a Ministry for Minorities at the Centre to curb communal passions.

The Discussion which lasted for about five hours could not be concluded due to want of quorum in the House.

Speaking in the resumed debate on 'communal disturbances in the country' on the 20th May, 1970, Shri George Fernandes (SSP) said that all political parties were feeding the monster of communalism in the country.

Shri J. B. Kripalani (UA) blamed the Government for recurring communal riots in the country. If the Government had taken due note of the prevalence of an atmosphere of violence, these could have been avoided, he said.

Shri D. K. Kunte (BKD) felt that the Government had a direct responsibility in creating the proper climate for preserving communal harmony.

Shri Abdul Ghani Dar (Cong.-O) criticised the Government for the low percentage of Muslims in the Police and Armed Forces and charged that the history being taught in schools was not conducive to bring about national unity.

Shri Syed Ahmed Agha (Cong.) said that it was communalism—Hindu and Muslim—which had brought about the partition of the country. He felt that India had suffered because people in the country were not united. Accusing Jan Sangh of distorting history, he said that those who exploited the name of Shivaji, conveniently forgot that the confrontation of Maratha rule was not based on communal considerations, but against the Moghul expansionism.

Shri Bakhshi Ghulam Mohammad (UA) said that the entire leadership had miserably failed to curb communalism.

Shri Shashi Bhushan (Cong.) alleged that riots in the country were invariably engineered and planned with the connivance of police and local administration, and demanded the banning of organisations like Sniv Sena and R.S.S.

Shri Bakar Ali Mirza (UA) said that Congress having accepted the two-nation theory had created an idea that Pakistan was the protector of Muslims and India the protector of Hindus. Such a feeling he added, could only be overcome only if people of both the countries entered into a dialogue. This he said, would be possible only with the help of the Government. While it was the duty of majority community to ensure safety of minority community, he remarked, it was also the duty of the latter to go all out to create confidence in the majority community.

Dr. Sushila Nayar (Cong.-O) said that the ruling party was making political capital out of communal disturbances and asked the Government to tackle this problem at the national level.

Shri Atal Bihari Vajapayee (JS) speaking by way of personal explanation, stated that it was wrong to say that he had launched an attack on "all minorities". He had only blamed, he said certain sections of Muslims inciting communal violence. He concluded his explanation by maintaining that his speech in the House intended to warn the Lok Sabha that if the Government compromised Muslim communalism, it would only encourage Hindu communalism. We have to fight against both kinds of communalism, he said.

Replying to the discussion, the Home Minister Shri Y. B. Chavan described the recent communal riots in Maharashtra as a matter of shame for the nation. He admitted that the administrative steps recommended by the National Integration Council to curb communal violence had not helped and it would be necessary for all political parties to create an atmosphere committing the entire nation to the protection of minorities in the country.

Narrating the sequence of events leading to the communal riots in Bhiwandi and Jalgaon, he maintained that both these places had a history of communal harmony and had a record of participation in the nationalist movement. But in the recent past, he said, an atmosphere had been created under which certain minorities were thought suspect. This was the major cause of communal tendencies in those areas.

The Home Minister praised the role played by district administrators in Bhiwandi in coping with the situation. He however said that he had nothing to say in defence of the administration in Jalgaon where there was absolutely no history of communal tension.

Referring to Shiv Sena, he declared that being a very retrograde force, it had done the greatest harm to Maharashtra. He added that this organisation was not only against the interests of India, but against the basic concept of human values. He appealed to the House not to identify the people of Maharashtra with Shiv Sena which had only earned bad name for that State. He held elements of Shiv Sena in Bhiwandi and Jalgaon responsible for recent communal disturbances there.

Summing up Shri Chavan agreed that the question of communal outbursts would have to be completely taken out from the party context and treated as a national question. He solicited the cooperation of all in the programme that the Government were going to start for creating a new atmosphere in the country.

### **Telengana Problem**

A discussion (on matter of urgent public importance) on "Telengana Problem" was raised on the 18th May, 1970 by Shri Shri Chand Goyal (J.S.). The notice of the motion was tabled by him jointly with Shri M. Narayana Reddy.

Initiating the discussion, Shri Shri Chand Goyal said that the main problems of the people of Telengana were the economic development and the proportionate number of the jobs to the people in the Government services. The revenues from the region had not been fully spent for its development, but had been diverted to other deficit areas. It was non-fulfilment of the assurances given by the Government of Andhra Pradesh for Telengana's economic development that had led to the widespread discontentment in the region. He demanded that a high power Commission should be appointed to look into the economic backwardness of the various areas in the country and suggest ways to develop them.

Shri M. Narayana Reddy (UA) accused the Central and Andhra Pradesh leaders of not honouring their own declared commitments for solving Telengana problem. He demanded that the Central Government should convene a round table conference of all the leaders to discuss this matter and to evolve a consensus or a constructive solution to solve the Telengana problem.

Shrimati Lakshmikanthamma (Cong.) opposed the demand for a separate Telengana State and said that the Government should on no account yield to the demand for an opinion poll. It had no constitutional sanction and if conceded, it would be difficult to resist such demands from other States. She felt that the question of Telengana was not political but it was economical and related to the development of the area. Therefore, what was really necessary was to take immediate steps for the development of that State, she added.

Shri Hem Barua (PSP) also pleaded for a round table Conference of all political parties and desired that a parliamentary delegation should also visit that area in order to find out the real situation there.

Shri G. S. Reddy (Cong.) said that the division of country on the basis of the linguistic pattern had been a great mistake as it had weakened national loyalty and encouraged regional loyalties. It was high time that Government thought of doing away with the linguistic States.

Shri A. T. Sharma (Cong.-O) desired that the problem of Telengana should be settled above party levels.

Shri K. Suryanarayana (Cong.) felt that the question of backwardness of the region was being raised purely on political considerations. He said that the matter should better be discussed across a table and a peaceful solution to the problem found.

Shri S. Kandappan (DMK) said that linguistic reorganisation of States had definitely contributed to the progress of various States. He urged the Government to convene a round table conference or appoint a Parliamentary Committee to discuss this matter and find a solution to this problem.

Shrimati Laxmi Bai (Cong.) blamed the Chief Minister of Andhra Pradesh for not honouring the popular demand of Telengana and demanded a judicial probe for the police excesses on students and also asked the Government to take immediate steps to form a separate State of Telengana.

Shri P. K. Vasudevan Nair (CPI) said that a separate Telengana State was not the answer to any of the problems that haunted the people of Telengana. He felt that it was a national problem and should be tackled from that angle.

Shri G. Venkataswamy (Cong.) felt that the agitation in Telengana was not incited by political leaders but it was a mass movement and as such Government should concede the demand for a separate State of Telengana.

Shri Rabi Ray (SSP) felt that there was wide disparity in the economic development of the two regions of Andhra Pradesh—the coastal region and the hinterland. In order to develop the area of Telengana and solve the problem, he advocated the creation of a sub-state of Telengana like Meghalaya\* in Andhra Pradesh.

Shri K. Ramani (CPI-M) said that the real problem in Telengana was the exploitation of the people by the landlords and the big capitalists as in other parts of Andhra Pradesh. He pleaded that certain safeguards, assured to the people of Telengana by the Central and State Governments should be implemented *in toto* without fail.

Shri Bakar Ali Mirza (UA) saw no harm in the creation of smaller States on linguistic basis and supported the move for creation of a separate State of Telengana.

Shri K. Narayana Rao (Cong.) was of the view that the agitation for separate Telengana was only a temporary phase.

Shri D. K. Kunte (BKD) said that the gentleman's agreement which was reached with the people of Telengana region in 1956 had not been honoured by Andhra Pradesh Government and that had created troubles in the States.

Replying to the discussion, the Home Minister Shri Y. B. Chavan, at the outset, admitted that there was justifiable grievance of the people of Telengana about two matters: one about their share in the services and the other about their development problems. There was a feeling in the minds of the people of Telengana that they should have a larger participation in the political set up of the State. In order to achieve this, he appealed to the leaders of Telengana to give up the agitational approach and thinking in terms of separatism. It is only through a more constructive approach that some agreed solution to the problem could be found. He assured the House that the

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\*A new autonomous state within the state of Assam came into being on 2nd April 1970, it comprises the United Khasi and Jaintia Hills Districts. The new State has a separate Legislative Assembly and a Council of Ministers collectively responsible to the Assembly.

Central Government would certainly try to help as much as possible to create a feeling of cooperation and create conditions for the proper development of the people of Telengana.

Referring to the demand made by various Members regarding convening of all-Party Conference, he said that there was no use calling a conference unless there was possibility of something evolving out of it. There was no use having a conference merely "to agree to disagree".

### **Reported Statement By General Cariappa Calling For Imposition Of Military Rule in India**

On the 12th March, 1970 Shri S. M. Banerjee (CPI) raised a point of order as to why his Calling attention notice on the reported statement made by General Cariappa calling for imposition of military rule in India after having been admitted, was not put on the order paper for the day. He was joined by certain other Members.

Replying to the Members' objections the Speaker observed:

".....Gen. Cariappa came to me and he said "This is the original PTI report. I was surprised that the original PTI report was entirely different."

".....I would like the Members to see the original PTI Report of the speech and still if they think that it should be taken up, I have no objection."

".....I had originally admitted it on the basis of the news item given to me. But when I saw the original I found that it would not have been proper for me to allow the calling attention notice knowing fully well that the original version was entirely different from the newspaper report. It was not proper for me to admit it when I knew that what had been supplied to me was a wrong thing".

When the House re-assembled after the Lunch Interval the Deputy Speaker (Shri G. G. Swell) informed the House that the motion had been admitted by the Speaker for the next day as the Members had expressed their dissatisfaction with the version of the PTI report which General Cariappa had shown to the Speaker.

Giving Clarification for admitting the Calling attention notice the Hon'ble Speaker observed as follows on the 13th March, 1970.

“Shri Shiva Chandra Jha raised yesterday that I first allowed and then disallowed it. I very much appreciate your point. I told you that I had kept it pending and sent the papers to be seen by the Members concerned. . . . But the main reason for my accepting it is this. I make it clear that it was allowed in the other House and the Home Minister made a regular statement on it. . . . I don't want this House to be deprived of the privilege to discuss a thing which the other House had done. . . .”

The House then took up Calling attention notice which was tabled by Sarvashri Indrajit Gupta, S. M. Banerjee, S. S. Kothari, George Fernandes and Pattiam Gopalan on the 13th March 1970. The matter was raised by Shri S. M. Banerjee (CPI) in the House.

In reply, the Minister of Home Affairs, Shri Y. B. Chavan said that the reported statement of General Cariappa suggesting the scrapping of the Constitution and imposition of President's rule in the country followed by spell of administration by the army was most irresponsible and utterly uncalled for. General Cariappa met him on the 11th March, 1970, and informed him that his remarks were not correctly reported in the Press.

Replying to questions, the Home Minister said that when Gen. Cariappa met him, he did not have a copy of the PTI report which he had shown to the Speaker. But he explained to him that the particular sentence appearing in the Press was not there. However, there were germs of dangerous thinking in General Cariappa's statement, and it would be very wrong to create even an indirect feeling that other officers of the Army entertained such ideas, he added.

## V. FOREIGN AFFAIRS

**Influx of Minorities from East Pakistan to India**

A Calling attention notice on the "Reported recent influx of about 50,000 minorities from East Pakistan to India" was tabled by Sarvashri Samar Guha, Jyotirmoy Bosu, Shiva Chandra Jha, S. S. Kothari and Bharat Singh Chowhan. The matter was raised in the House on the 7th May, 1970 by Shri Samar Guha (PSP).

Making a statement, the Deputy Minister of External Affairs, Shri Surinder Pal Singh said that the minorities in Pakistan continued to suffer from a number of disabilities and hardships resulting in their migration to India in large numbers over the years. The migration had increased during the last few months owing to generally insecure conditions, economic distress and discriminatory treatment meted out to them there. The stand of some political parties regarding the minorities, as stated in their election campaign, was also affecting the minorities adversely. This year, he said, upto 29th April, 1970, approximately 34,500 persons were reported to have reached India.

Regarding the steps taken by the Government of India, to avert mass exodus from East Pakistan, the Deputy Minister informed the House that they had protested to the Government of Pakistan against the failure of that Government to ameliorate the continuing unhappy lot of the minority community in Pakistan and had urged upon that Government to take effective steps to assure them security of life and property and self-respect so that they could live in peace and honour as equal citizens of Pakistan in accordance with the Nehru-Liaquat Agreement of 1950. At the same time, the Pakistan Government had also been urged to restore confidence amongst the minorities so that such migration of the minority community to India did not take place, he added. Being a sensitive matter, it had been considered necessary to avoid such steps as would give a handle to the reactionary elements to create tension and undesirable incidents.

Answering questions, the Deputy Minister stated that "Pakistan's attitude towards the minority community is no better than the pernicious and obnoxious principle of apartheid followed by South Africa". In these circumstances, he said, India could only point it out to the Government of Pakistan or bring it to the notice of the world and generate public opinion. The Government were taking steps to inform all the friendly countries about developments there, particularly Russia, because Russia was very much in the picture on account of the Tashkent Agreement.



In reply to another question, the Deputy Minister said that it was not India's policy to either take up the issue to the United Nations, or internationalise the problem.

#### **Reported Desecration of Hindu Temples and Sikh Shrines in Pakistan.**

A Calling attention notice regarding "atrocities committed on the Hindu temples situated at the Chandranath Hills in the Chitagong District in East Pakistan and the Sikh Shrines in West Pakistan by Pakistan military personnel" was tabled by Sarvashri B. K. Daschowdhury, Samar Guha, Kanwar Lal Gupta and Smt. Ila Pal Choudhuri. The matter was raised in the House by Shri B. K. Daschowdhury (UIP-Gp.) on the 9th March, 1970.

In reply, the Deputy Minister in the Ministry of External Affairs, Shri Surendra Pal Singh, confirmed that according to the information received from the Deputy High Commissioner in Dacca, Pakistan, authorities had taken over the Chandranath Hill, a well-known Hindu Pilgrimage centre in Chitagong District in East Pakistan, and were using it for military purposes.

Answering a series of questions, the Deputy Minister said that the Government so far were not aware of any atrocities in question committed by Pakistan military personnel. While awaiting full report from the High Commissioner in Karachi the Government, he said, were in the meantime lodging a protest against the flagrant violation not only of the Nehru-Liaquat Agreement of 1950, but also of the universally recognised principles of respect for religious shrines.

Replying to another question, the Deputy Minister conceded that the minority groups in East Pakistan and sometime in West Pakistan were subjected to a great deal of harassment and they were feeling a little insecure about their future in that country. The whole attitude of Pakistan, he said, was non-cooperative and India had brought that attitude of Pakistan to the notice of a number of friendly countries including the USSR which had helped in reaching Tashkent Agreement. He ruled out the suggestion made by certain members for referring the matter to the United Nations, because it was the policy of the Government to settle all issues with Pakistan on bi-lateral basis.

### **U.S. Arms for Pakistan**

A Calling attention notice on "Reported U.S. plan to sell tanks to Pakistan" was tabled by Major Ranjeet Singh and Sarvashri Rabi Ray, Jyotirmoy Bosu, Sushila Rohatgi and Nath Pai. The matter was raised in the House on the 3rd April by Major Ranjeet Singh (JS.).

Replying, the Deputy Minister in the Ministry of External Affairs, Shri Surendra Pal Singh informed the House that Pakistan had been making persistent efforts to acquire U.S. arms either directly or through third countries.

According to the information with the Government, he added, the question of resumption of supply of U.S. arms to Pakistan including the supply of 100 U.S. made tanks from Turkey was at present under consideration of the U.S. Government. It had been reported that although no decision had yet been taken in this matter, that particular request would be one of the factors in the review of arms supply policy now under way in the U.S.A.

He said that the Government had repeatedly pointed out to the U.S. Government through diplomatic channels and also at the highest level, that the supply of U.S. military equipment to Pakistan, would have serious repercussions, in regard to both our own defence responsibilities and the objective of maintenance of peace in the sub-continent. It had also been pointed out to them that further arms supplies of this nature would make Pakistan even more intransigent in its attitude towards normalization of relations with India, he added.

### **U.S.S.R. Supply of Tanks to Pakistan**

A Calling attention notice on "Recent decision of USSR to supply 200 tanks to Pakistan" was tabled by Dr. Sushila Nayar and Sarvashri Balraj Madhok, Prabhu Dayal Himatsingka, D. N. Patodia and S. S. Kothari. The matter was raised in the House on the 8th April, 1970 by Dr. Sushila Nayar (Cong.-O).

Replying, the Minister of Defence, Shri Swaran Singh recalled that the Government had kept the House informed from time to time of the Pakistan's persistent efforts to acquire arms from various countries and of the increased armed build-up since 1965.

He said that most of the arms with Pakistan were obtained from USA and China. Since February, 1969, Pakistan had also received tanks, 130 mm guns, ammunitions, radar sets and other miscellaneous military stores from the Soviet Union. According to Government's information, 150 tanks from USSR had been received by Pakistan some time back and there had been no recent arrival of tanks.

Continuing, the Defence Minister said that the Government's view on the U.S.S.R. decision to supply arms to Pakistan were conveyed to the House in the statement made by the Prime Minister on the 22nd July, 1968 which said: "While continuing to impress upon the Government of Soviet Union the serious repercussions of these supplies in regard to our own defence responsibilities and the objectives of maintaining peace in the sub-continent, we have taken necessary measures on our side".

In reply to a question, the Defence Minister said that the Soviet Union had been fully apprised of the implications. He shared the concern of the Members, especially as Pakistan had clearly stated that it had no enemies except India.

Answering another question, the Defence Minister said that the question of military balance with Pakistan was not quite relevant because India had also to prepare herself against China or any possible combined threat. To this end, he said, India had purchased military equipment and had also stepped up the manufacture of tanks at Avadi factory.

#### **Non-Aligned Meet At Dar-Es-Salaam**

A Calling attention notice regarding the outcome of the recent meeting of non-aligned countries at Dar-es-Salaam was tabled by Shrimati Tarkeshwari Sinha and Sarvashri Bedabrata Barua, Samar Guha, Balraj Madhok and Jyotirmoy Bosu. The matter was raised by Shrimati Tarkeshwari Sinha (Cong-O) in the House on the 22nd April, 1970.

Replying, the Minister of Foreign Affairs, Shri Dinesh Singh said that the meeting was held to settle the date, agenda, venue and other arrangements for the Conference of Heads of State of Government of non-aligned countries.

Referring to the question of Cambodia's representation, he said that it was referred to a Committee, which did not report till the end of the Conference. Regarding the participation of the People's Revolutionary Government of South Vietnam, he said, the question was considered by the Conference, but it could not arrive at a consensus.

Continuing Shri Dinesh Singh told the House that Jordan had proposed the participation of Pakistan, but the proposal was not supported by any other delegate. On the other hand, the Chairman ruled the proposal out of order on the ground that participation of new States could only be considered within the framework of the present criteria. The Indian delegation, he added, stated that it would be happy to sponsor Pakistan's application provided it gave up its membership of military pacts and became non-aligned.

Giving details about the adoption of the draft agenda for the summit as accepted by the Conference, the Foreign Minister said that it was based on four-point programme under headings Peace, Freedom, Economic Development and Cooperation between non-aligned States and that a unanimous agreement had been reached to hold the next summit Conference in Lusaka, Zambia, before the next General Assembly Session of the United Nations.

In reply to another question, the Foreign Minister said that India did not wish to interfere in the internal affairs of Cambodia and as such the question of taking up the issue of Cambodia before the Human Rights Commission or to any other forum or giving of any assistance did not arise.

#### **Closure of Indian Business in Kenya**

Raising a half an-hour discussion regarding the closure of Indian business in Kenya on the 16th March, 1970, Shri R. K. Amin (Swa.) said that it was surprising to note that the Government was not aware of the details about the number of persons of Indian origin to be affected in Kenya under their "Africanisation plan", and sought elucidation as to what the Governments proposed to do to protect their interests. He also suggested that the Government should form some trust investment Corporation with the understanding of the Government of the East African countries to which these people could entrust their property when they left that country.

The Deputy Minister in the Ministry of External Affairs, Shri Surender Pal Singh stated that practically all the East African countries, particularly Kenya, had adopted a policy of "Africanisation" soon after their independence. Whenever we took up the matter with the Governments of East African countries, it was stressed that the policy should be implemented in a humane manner and that it did not cause undue hardship to those people who had been there for generations. On these points they (Kenya Government) had always given the assurance that as far as possible they would see that no hardship was caused to the people of Indian Origin.

Enumerating the steps taken by the Government, the Deputy Minister said that in regard to Indian nationals, the responsibility was that of the Government of India and such persons could come back to India whenever they wanted to. As regards those who had taken local citizenship, on each case of complaint of discrimination, we had been assured that in their policies there was no element of discrimination against those people who had taken up Kenyan citizenship.

Regarding those who were holding British passports (*i.e.* who by domicile were Africans and by nationality British), Kenya Government had passed a certain law making it difficult for them to stay in Kenya. At the same time the Commonwealth Immigration Act in UK, which was passed in 1968, had equally made it difficult for them to go to UK. The Government of India had pointed out to the British authorities that it was their responsibility to give all kinds of facilities to all these people and that if they wanted to go to UK they must have free entry. British Government wanted these people to come in a phased programme and not in a large number, he added.

As regards the last category *viz.* Stateless persons, India had told Kenya Government authorities that they should consider these cases sympathetically and had received an assurance that this was being done.

**Launching of Satellite by China**

A Calling attention notice regarding "Reported launching of her first earth satellite by China and its implications in respect of India's security" was tabled by Sarvashri George Fernandes, Ramavatar Shastri, Hedabrata Barua, M. L. Sondhi and P. Viswambharan. The matter was raised in the House on the 28th April, 1970 by Shri George Fernandes (SSP).

Making a statement, the Minister of Defence Shri Swaran Singh observed that the successful launching into orbit of an earth satellite of 173 kilograms by China was an indication of her having developed a rocket engine of sufficient power to put an inter-continental ballistic missile of range in excess of 5000 miles. A full assessment of this development would have to await more details about the satellite, but it was clear that China was now well on the way to possess an ICBM capability, the Defence Minister said. The area in which China was yet to prove its capability, he added, was with regard to the problems of re-entry and terminal guidance.

Continuing, the Minister informed the House that the Government had also a space programme and according to the present schedule, India should be able to put into low level orbit or applications satellites within four or five years. He remarked that once the basic systems had been developed, it should be possible to go to the second stage of development of the larger booster. This whole programme was being worked out over a 10-year time frame. But he added that India's space programme was subject to review following China's success in orbiting an earth satellite.

Answering questions, he reiterated that India's policy of not signing the Nuclear Non-proliferation Treaty on the stated grounds that it discriminated against non-nuclear countries even in the matter of developing nuclear energy for peaceful purposes. As for manufacturing atom bombs or nuclear bombs, he reaffirmed that Government's policy was to develop energy for peaceful purposes and there was no programme of manufacturing a nuclear or an atom bomb.

In reply to another question, the Defence Minister stated that India's missile and space programme was limited and meant for defensive purposes. But he gave an assurance that the Government

would not hesitate to borrow technological 'know-how' from any source, "capitalist or socialist", far advance in the field. But such assistance, he made clear, would be used by the Indian scientists, who would be in overall charge of the programme.

### **Relations with Taiwan**

A Starred Question (SQ No. 1591) regarding M. Ps. Memorandum to the Prime Minister inviting her attention "to the indiscriminate manner in which the Government of India had taken a decision to bracket the nationals of Taiwan together with hostiles and unfriendly countries" was asked in the House on the 13th May, 1970 by Sarvashri A. Dipa, Meetha Lal Meena and P. K. Deo.

Replying to the question, the Foreign Minister Shri Dinesh Singh said that the Government did not recognise Taiwan as a separate State nor Taiwanese passports, but there was, however, no difficulty for tourists from Taiwan to obtain visas to come to India.

The Foreign Minister refused to accept the concept of "two Chinas" and rejected a general demand by certain opposition members for the establishment of diplomatic, consular or trade relations with Nationalist Chinese Government in Taiwan.

### **Development in Cambodia**

A Calling attention notice on "Recent developments in Cambodia and the role of India as Chairman of International Control Commission was tabled by Sarvashri M. L. Sondhi, S. K. Tapuriah, Bal Raj Madhok, Sita Ram Kesri and Madhu Limaye. The matter was raised in the House by Shri M. L. Sondhi (JS) on the 26th March, 1970.

Replying, the Minister of External Affairs, Shri Dinesh Singh said that the Government of India was watching the recent developments in Cambodia with great concern. As Chairman of the International Commission for Supervision and Control in Cambodia constituted under the Geneva Agreements of 1954, India together with Canada and Poland had consistently sought to ensure that the objectives of the Agreements namely the neutrality, territorial integrity, sovereignty

and independence of Cambodia were safeguarded. The Commission had adjourned *sine die* with effect from 31st December, 1969. India, as Chairman of the Commission, was in close consultation with the concerned parties including the Co-Chairman and other supervisory powers, he added.

Replying to questions, the Minister said that the Commission was established to supervise the Geneva Agreement and, on the matters brought before it, the Commission gave its views. There was no question of the Commission taking and executing any decisions of its own. In regard to reactivation of Commission he said that there was a procedure and the Government was in touch with the concerned countries.

Referring to a suggestion for a Conference of South East Asian Countries for finding out a peaceful solution, he said that if the need for such a meeting was felt, it would be considered by the Government.

#### **Protest Against U.S. Vice-President's Remarks**

A Calling attention notice on "India's reported protest to the United States against the U.S. Vice-President's remarks that India was not taking any steps as Chairman of the International Control Commission of Cambodia due to Soviet opposition" was tabled by Sarvashri S. M. Banerjee, Indrajit Gupta, Janeshwar Misra, C. K. Chakrapani and Sita Ram Kesari. The matter was raised in the House on the 11th May, 1970, by Shri S. M. Banerjee (CPI).

Making a statement, the Foreign Minister, Shri Dinesh Singh said that the Government had noted with regret U.S. Vice President's remarks that India was "reluctant to take any action without Soviet approval", which gave an impression of casting aspersions on the independent functioning of India as the Chairman of I.C.C. as well casting reflection on India's independent policies and her sovereign status.

In reply to India's note, U.S. State Department had stated that U.S. Vice-President had made certain remarks in the context of Russia's intention to veto any move to reconvene ICC and as such he had not intended to cast aspersions or reflection of any kind on India's sovereignty or independence of attitude or action.



Continuing, the Foreign Minister said that the U.S. Government could not expect India to support them in their armed intervention in Cambodia. He reiterated India's firm view that introduction of foreign forces would not lead to any solution to the problem of Cambodia. The only way to resolve the issues was by the withdrawal of all foreign forces from each of the States of Indo-China and then to settle them peacefully at a Conference to be attended by all concerned. The Government of India would continue to strive towards this end through diplomatic channels, he added.

#### **Situation in Laos Resulting from North Vietnamese Offensive in Plain of Jars**

A Calling-attention notice on the "Situation in Laos resulting from North Vietnamese Offensive in the Plain of Jars and its implications for the security and stability of South East Asian region adjoining India," was tabled by Sarvashri Balraj Madhok, Kanwar Lal Gupta, M. L. Sondhi and Shrimati Sharda Mukerjee. The matter was raised in the House by Shri Balraj Madhok (JS) on the 25th February, 1970.

Making a statement in reply, the Minister of External Affairs, Shri Dinesh Singh, said that Government had noted recent developments in Laos with grave concern. As a party to the 1962 Geneva Agreement on Laos, and as Chairman of the International Commission for Supervision and Control set up under that Agreement, India was committed to the maintenance of the sovereignty, territorial integrity, independence and neutrality of Laos. The present situation, he said, was the result of non-observance of the letter and spirit of the Geneva Agreement by various parties and the spilling over of the Vietnamese conflict in Laos. Prospects for a peaceful solution lay in a strict observance of the Geneva Agreements of 1954 and 1962, and the ending of all foreign interference. India, both in her individual capacity and as Chairman of the Commission, had been working towards this end urging all parties to take concrete steps to abide by the Geneva Agreements, he said.

Replying to questions Shri Dinesh Singh said that the main point which Laos had been seeking was that we should reconsider this matter in a Geneva type of Conference, but such Conference could be summoned by the Co-Chairmen which were the United Kingdom and Soviet Union, and the Government of Laos had initiated a move with them.

**Crossing of South Vietnamese Army units into Cambodia**

A Calling attention notice on "Crossing of South Vietnamese army units into Cambodia with the support of United States combatants and the reaction of Government thereto" was tabled by Sarvashri S. M. Banerjee, Pattiam Gopalan, Jagannath Rao Joshi, Surendranath Dwivedy and Tridib Kumar Chaudhuri. The matter was raised in the House on the 4th May, 1970 by Shri S. M. Benerjee (CPI).

Making a statement, the Minister of External Affairs, Shri Dinesh Singh said that it was with deep regret and concern that they witnessed a sharp deterioration in the situation in Cambodia—a country which had managed to keep out of armed conflict since the Geneva Agreements of 1954.

Giving an account of happenings in Cambodia, he said that the situation had particularly deteriorated on 29th April when the South Vietnamese authorities announced that they were moving their forces into Cambodia to "neutralize North Vietnamese communist's scheme of using Cambodian territory" for operations against them. Simultaneously, the United States authorities announced that they would be providing support to the army of South Vietnam for its operations in Cambodia. The next day *i.e.* on 30th April, the U.S. President also announced that "in cooperation with armed forces of South Vietnam, attacks were being launched to clean out major enemy sanctuaries on the Cambodian-Vietnam border."

Expressing grief over the heavy casualties, he said that it was India's firm belief that foreign intervention would only make the situation more complicated and peaceful solution more difficult. He, therefore, urged the stoppage of all foreign intervention from outside.

The Government of India, he said, was convinced that a peaceful solution could be found by getting together all the concerned parties in a 1962 Geneva-type conference. This should be convened as soon as possible to "arrange a cease-fire, followed by withdrawal of all foreign forces from Cambodia. Laos, North and South Vietnam, leading to a political settlement that will ensure the independence, sovereignty, integrity and neutrality of the former Indo-China State."

Replying to a question, he said that India was taking concrete steps for convening a Geneva-type conference, for which close prior consultation with all the parties concerned was necessary. An agreement amongst these had to be ensured otherwise the very purpose of the conference would be defeated, he said.

### **Visit of Delegation of Provisional Revolutionary Government of South Vietnam to India**

Raising a half-an-hour discussion on the visit of Delegation of Provisional Revolutionary Government of South Vietnam to India on the 18th March, 1970 Shri E. K. Nayanar (CPI-M) referred to atrocities committed by U.S. in South Vietnam particularly massacre in 'My Lai' village in May, 1968. He advocated that the Government should give recognition to the Provisional Government of South Vietnam and upgrade our diplomatic relationship with the Government of North Vietnam to Ambassadorial level immediately. Shri Nayanar also demanded the immediate and unconditional withdrawal of all troops, military personnel and armaments of U.S. government and its Allies from the South Vietnam.

Making a reply, the Minister of External Affairs, Shri Dinesh Singh reiterated that Government had a number of times raised its voice very strongly against American atrocities in South Vietnam and pleaded that they must be brought to an end.

Referring to the question of according recognition to the National Liberation Front-backed Provisional Government of South Vietnam, the Foreign Minister informed the House that being a Chairman of the Control Commission, we were unable to accept any new situation in juridical terms in South Vietnam. He, however, added "whatever policy we adopt for the recognition of the PRG is by no means any reflection on the history of the heroic struggle of the people of Vietnam."

As far as North Vietnam was concerned, he said, the Government was actively considering the suggestion of the Government in Hanoi for strengthening relations with India, as also the question of resuming trade with North Vietnam.

Replying to a question the Foreign Minister did not agree with the suggestion made by certain members regarding India resigning from the Control Commission. He felt that it would amount to giving up international responsibility assigned to this country under the Geneva Agreement, 1954.

### **Declaration of Republic of Rhodesia**

A Calling attention notice regarding "the declaration of Republic by the Rhodesian Government and Government of India's reaction thereto" was tabled by Sarvashri Kanwar Lal Gupta, Shiva Chandra Jha, Om Parkash Tyagi, Hukam Chand Kachwai and M. L. Sondhi. The matter was raised in the House by Shri Kanwar Lal Gupta (J.S.) on the 12th March, 1970.

In reply, the Deputy Minister in the Ministry of External Affairs, Shri Surendra Pal Singh said that the Prime Minister had on the 4th March, already stated the stand of the Government of India on the recent developments in Rhodesia (Zimbabwe) in the course of her reply to the debate on the President's Address. He added that the Government had steadfastly supported the United Nations sanctions and repeatedly called upon the Government of U.K. as the administering power, to take all the measures including the use of force, to establish majority rule in Rhodesia.

Explaining India's stand, the Deputy Minister said that the Government considered the act of the racist regime to declare itself a Republic as totally illegal and hoped that it would not be recognised by any civilised nation in the World and that those States which continued to maintain diplomatic, consular, economic or military connection with Rhodesia would immediately sever their connection with it.

He assured the House that the Government would continue to support any proposals that might be put forth in the United Nations and outside for establishing majority rule in Zimbabwe on the basis of one man one vote.

## VI. SCIENCE AND TECHNOLOGY

**Manufacture of Atom Bomb by India**

On the 11th March, 1970 raising a half-an-hour discussion on the "Manufacture of Atom Bomb by India", Shri Kanwar Lal Gupta (JS) said that in view of the fact that China had made unexpected progress in the field of nuclear power and possessed 150 atom bombs and Pakistan was also proceeding fast in that direction, the manufacture of atom bomb had become essential for our survival. As a peace-loving country we might not use it he added, but it would certainly act as a deterrent for our enemies.

He said that the cost of manufacturing an atom bomb *viz.* Rs. 8000 crores, worked out by Indian experts, was very much on the high side. Anyway, no consideration should stand in our way, he added and desired the Government to explicitly declare that it would not sign the non-proliferation treaty as the nuclear weapons were necessary for the security of our country.

Replying, the Minister of Defence and Steel and Heavy Engineering, Shri Swaran Singh reiterated India's policy not to manufacture the Atom Bomb and said that nothing had happened so far which called for a change in that policy.

Keeping in view the long borders with China and Pakistan and the type of relationship with them, Shri Swaran Singh said that for several years to come, the threat that India was going to face from them was a threat from conventional weaponry. Therefore, there would be no let up in the preparations to meet such a threat.

So far as the Nuclear Non-Proliferation Treaty was concerned, the Minister of Defence assured that India could never agree to sign a treaty which was essentially discriminatory in character and which did not take us even a step further towards stopping the mad race of increasing the nuclear arsenal of the super-powers and those who belonged to the nuclear club. Also even in the development of nuclear energy for peaceful purposes, it put constraints and restrains which were totally unacceptable to us.

Detailing the cost involved, the Minister pointed out that merely possessing an atom bomb was not enough, the delivery system was also essential. Further, striking capacity as well as fissionable bomb had a tendency to become out of date very soon, and a country had to spend about Rs. 500 crores to Rs. 700 crores a year to replace what had become obsolete. The hard reality today was that there was no defence against a nuclear attack. Even the most developed countries had come to the conclusion that they could not defend themselves against nuclear attacks, he said.

Replying to a question Shri Swaran Singh assured the House that Government would utilise all the technology, all the know-how, and the scientific information to maintain our advance in the nuclear and thermo-nuclear fields. It was very necessary to develop our strength in the economy, in the industry and in every sphere.

#### **Use of Nuclear Engineering Technology for Peaceful Purposes**

Raising half-an-hour discussion regarding the "use of nuclear engineering technology for peaceful purposes" on the 20th April, 1970, Shri Samar Guha (PSP) pleaded for the development of nuclear engineering as it would be of immense use in putting the atoms to such constructive uses as conversion of deserts into fertile lands, changing the courses of rivers for flood control purposes and construction of tunnels. He argued that when U.S.A., U.S.S.R. and other countries have developed nuclear blast technology for development purposes, India should not lag behind in this behalf.

Replying to the discussion, the Prime Minister Shrimati Indira Gandhi said:

".....we were not at all opposed to the use of nuclear energy for peaceful purposes, when a meaningful application on mere economic significance was identified."

".....we know that such blasts and experiments have taken place in the Soviet Union and perhaps in France also.....Our scientists have tried their best to keep themselves informed of these developments and they are in the picture so far as this matter is concerned..... At the present moment the peaceful use of nuclear explosives and detonator is very much in the development stage and a practical technology of economic value based on such uses had not yet emerged".

Pointing out the dangers inherent in the underground explosions, Shrimati Gandhi observed:—

“.....In an underground explosion there is always the danger of the contamination of ground water.”

“.....Apart from uncertainty regarding the amount of radio-activity, such explosions would also cause serious ecological changes which will be far more significant.”

Referring to adoption of 'clean blast' method in India, Prime Minister said:

“.....There is such a thing as 'clean blast', but this is still in experimental stage. We are in touch with it in the sense that our scientists have attended the meeting, they have gone to the sites before the explosions took place .....Yet, for a country like India whether to go into this matter at this stage is economically feasible and whether it will give results which are commensurate, is a matter of consideration.....Should we feel that it is necessary for any such particular project or something, we would not hesitate to do it, but we must see the problem from all aspects.”

Ruling out a suggestion for the appointment of an expert Committee, Shrimati Gandhi remarked:—

“.....The Atomic Energy Commission is such an expert body, it is in touch with the expert bodies, the highest expert bodies all over the world. Therefore it will not be possible to have another expert Committee which could do more than what this Commission does.”

**VII. PROCEDURAL MATTERS****Sitting of Lok Sabha at 10 P.M. on the 28th February, 1970**

Under Rule 15 of the Rules of Procedure and Conduct of Business in Lok Sabha, the Speaker directed that the House which had been adjourned till Monday, the 2nd March 1970, would sit at 10 P.M. on Saturday, the 28th February, 1970. Accordingly Lok Sabha met at 10 P.M.

The above sitting of the House was called to enable the Prime Minister to fulfil the procedural requirement of formally introducing the Finance Bill, 1970, after the motion for leave to introduce the Bill was earlier adopted by the House on the 28th February, 1970. As soon as the motion for leave to introduce the Bill was adopted at 6.15 P.M. on the 28th February, 1970, the House was adjourned before the Finance Bill could formally be introduced. After the Prime Minister had formally introduced the Finance Bill, 1970 the Lok Sabha was adjourned till 11 A.M. on Monday the 2nd March, 1970.

**Seating arrangement for Deputy Speaker**

On the 16th March, 1970, Shri Jyotirmoy Bosu CPI(M) raised a matter under Rule 377 regarding seating arrangements for the Deputy Speaker in the House. Shri Bosu took exception to the objection raised on the floor of the House on the 13th March, 1970 by Dr. Ram Subhag Singh (Con.-O), who had held that the first seat in the front row on the left of the Chair allotted to the Deputy Speaker was meant for the Opposition and not for the Deputy Speaker. Shri Bosu maintained that the present seat occupied by the Deputy Speaker had been allotted by the Hon'ble Speaker and therefore sought his ruling in this regard.

Giving his ruling, the Hon'ble Speaker observed:

"It is my discretion to allot seats.....This is an old practice and it is also being followed everywhere. The first seat to the left is occupied by the Deputy Speaker....  
.....We are going to stick to it. The Deputy Speaker will occupy that seat."



## VIII. GENERAL

### Location of New Steel Plants

Intervening in the discussion on the Demands of Grants in respect of the Ministry of Steel and Heavy Engineering, the Prime Minister, Shrimati Indira Gandhi made the following statement on April 17, 1970 regarding the locations of new steel plants during the Fourth Plan period:

“.....Government have decided that work should be started during Fourth Plan period on two integrated plants for the production of mild steel and the third one for special steels. Various alternative sites have been examined for this purpose both from the point of view of techno-economic suitability and from that of regional development.

“Taking into account the advantages of locating a steel plant in the proximity of a port, which should facilitate the export of steel products as well as the import to the extent necessary of the required raw materials, Government have decided that one of the new steel plants should be located in the coastal region of Visakhapatnam.

“There are vast resources of iron ore of high quality around Hospet which in the absence of a steel plant in the area are, at present, being utilised only partially for export purposes. To use this raw material resources adequately, and at the same time, to develop the industrial potential of the area, it has been decided that a steel plant should be constructed in the Hospet area in the State of Mysore.

“The proposed plants at Hospet and Visakhapatnam will mainly produce mild steel. There is, however, a considerable demand in the country for special steels and a good deal of this demand is from the States of Tamil Nadu and Mysore where there are large number of consuming units for such steel engaged in the manufacture of engineering goods including automobiles and automobile ancillaries. To meet this demand and also to encourage further industrial development of the area, Government have decided to locate a special steel plant in the District of Salem based on the local iron ore and Neyveli lignite.....”

### **Supply of Water to Pakistan**

A Calling Attention notice regarding "Reported continuance of supply of Indus Water to Pakistan even after the expiry of the Indus Water Treaty on the 1st April, 1970" was tabled by Sarvashri Hardayal Devgun, D. N. Patodia, Raghuvir Singh Shastri, Madhu Limaye and Dr. Karni Singh. The matter was raised in the House by Shri Hardayal Devgun (JS) on the 1st April, 1970.

Replying, the Deputy Minister in the Ministry of Irrigation and Power Shri Siddeshwar Prasad informed the House that under the Indus Water Treaty 1960, the entire flow of the three Eastern Rivers (Sutlej, Beas and the Ravi) of the Indus system had become available for the unrestricted use of India from the 1st April, 1970.

The average annual flow of the three Eastern Rivers is about 33 million acre feet. At the time of partition only about one fourth of the water was being utilised in the area now in India. At present, however, he added, nearly three-fourths of these waters were being utilised. This had been made possible by the Construction of Bhakra Nangal Project, the Madhopur-Beas Link, the Harike Headworks, the Sirhind Feeder and the Rajasthan Feeder. The balance would be fully utilised after the completion of the storage on Beas at Pong, the Beas-Sutlej Link, the Rajasthan Canal Project and storage on the river Ravi.

The entire waters of Sutlej were harnessed by the Bhakra Nagal Project. Till reservoirs were built to contain the waters of Beas and Ravi, India would be able to use fully their waters from 9 to 10 months in a year. During the monsoon months July to September surplus waters of these rivers would spill over and flow down to Pakistan.

Replying to a question, the Minister of Irrigation and Power Dr. K. L. Rao, attributed the delay in the completion of works on the Eastern rivers to the paucity of funds. He said that as against Rs. 1000 crores needed for the projects, a sum of Rs. 575 crores had been incurred in the last 10 years. In reply to another question, Dr. Rao said that the main difficulty in taking over the Rajasthan Canal Project by the Centre was again the financial one.

Replying to another question Dr. Rao said that under the Indus Water Treaty, of all the waters that had been allotted to Pakistan they had only used from 50 to 60 per cent whereas India were able to do much better than Pakistan by utilizing upto 75 per cent.

### Production and marketing of edible oils and fats

Raising a half-an-hour discussion in the House regarding "international conference held at London to study production and marketing of edible oils and fats" on the 13th April, 1970, Dr. Ram Subhag Singh, Leader of the Opposition, drew pointed attention of the Government to the acute shortage of *Vanaspati* and to the four-fold increase in its price. He criticised the Government for not dealing firmly with *Vanaspati* manufacturers and advocated nationalisation of the industry, if it did not cooperate.

Continuing, he said that the foreign exchange being spent on the import of edible oils could be served by producing these oils in the country. For this purpose, he suggested that Government should help the producers by announcing support prices for oil-seeds and providing credit and marketing facilities.

Replying, the Minister in the Ministry of Food and Agriculture, Community Development and Cooperation, Shri Annasahib P. Shinde observed that because of shortfall in production of oilseeds, the prices of oilseeds and consequently of *Vanaspati* were rising much to the concern of the Government and serious efforts were being made to the extent possible to arrest the rise in these prices.

Continuing, he said that while the oil prices had gone up between 41 and 46 per cent, the prices of *Vanaspati* had gone up only by 31 per cent. In other words, by following a suitable policy of control, the Government had allowed a comparatively less rise in *Vanaspati* prices.

Dealing with the question of enforcing statutory control on prices, he informed the House that statutory control was already in force on *Vanaspati* prices. In addition, the Government had referred the matter to the Tariff Commission for examining the cost structure of this industry and would be guided by their recommendations in calculating costs and determining the prices of *Vanaspati* from time to time.

The Minister, however, pointed out that the panacea to the problem did not lie in the price control of *Vanaspati*. What was needed was the increase in the production of oil-seeds, by increasing the irrigated area and providing the necessary credit and marketing facilities to the farmers.

He added that while the Government were taking necessary steps in this behalf, there was need for taking to substitutes such as soyabean and sun-flower in large scale.

As regards the occasional revision of prices of *Vanaspati*, he said that such revisions under the circumstances were inevitable, unless the Government could make some arrangements for meeting the requirements of the factories for 12 months.

Referring to the criticism regarding import of edible oil, he said that imports were necessary to keep the prices at reasonable level.

Summing up the discussion, the Minister ruled out nationalization of the *Vanaspati* Industry by the Central Government. He, however, added that State Governments were free to take this course.

#### **Non implementation of Gajendragadkar Commission's Recommendations in regard to Jammu**

A short-duration discussion under Rule 193 on the Non-implementation of Gajendragadkar Commission's Recommendations in regard to Jammu was raised on the 2nd April, 1970 by Shri Atal Bihari Vajpayee (JS). The notice of the motion was tabled jointly by Sarvashri Atal Bihari Vajpayee, Bal Raj Madhok, Kanwar Lal Gupta and Shri Chand Goyal.

Initiating the discussion, Shri Atal Bihari Vajpayee said that there was imbalance in the three regions of Jammu and Kashmir in the matter of development, education facilities and employment. He regretted that the State Government had been discriminating against Jammu and Ladakh. Although the report of the Commission was received a year back, yet all the recommendations had not been implemented as yet, he added.

To illustrate his point about discrimination Shri Vajpayee said that of the Rs. 425 crores of Central assistance to the State during the Third Plan, only 25 per cent was spent on Jammu and hardly 5 per cent on Ladakh. On one occasion, machinery was imported for a cement factory in Jammu, but it ultimately found its way to Srinagar.

He pointed out that there was discrimination against Jammu even in the matter of quantum of ration and grain prices.

Shri Inder J. Malhotra (Cong.) apportioned the blame for the regional imbalances in the State between the State Government and the Centre.

Shri H. N. Mukherjee (CPI) said that in view of the Commission's observation that it would not be justified to say that the State Government had deliberately discriminated against either Jammu or Ladakh, we should not castigate the State Government.

**Shri Ahmed Aga (Cong.)** felt that a motion like this would only encourage separatist tendencies and sow the seeds of discord. He said that Jammu and Kashmir had much bigger problems to be concerned with than the flimsy subject of rationed grain.

**Shri Prakash Vir Shastri (BKD)** held that it was not this discussion, but the discriminatory policies of the State Government against Jammu and Ladakh, which were encouraging separatist tendencies. He added that there were certain elements in that State who were deliberately discriminating against Jammu and Ladakh. He urged that the Central Government to take concrete decisions to ensure that separatist feelings did not develop in the minds of people of Jammu and Ladakh.

**Shri Sheo Narain (Cong.)** demanded that immediate steps should be taken to enforce Article 335 of the Constitution in Jammu and Kashmir and also abrogate Article 370 so that justice could be done to Harijans and other backward classes in that State.

**Shri Kushok Bakula (Cong.)** wanted the Ladakh area to be declared as the Scheduled Castes and the Scheduled Tribes area so that the students coming out of the colleges might get seats in technical institutions and in services.

**Shri Molahu Prasad (SSP)** said that it was the special duty of the Government to see that there was proper development of the backward and undeveloped areas, whether such areas were in Jammu and Kashmir or in any other State.

Replying to the discussion, the Home Minister **Shri Y. B. Chavan** agreed that imbalances did exist in Jammu but said there was no deliberate discrimination against it by the State Government. The imbalances, were more due to historical and climatic reasons. He informed the House that about 35 out of 42 recommendations made by the Gajendragadkar Commission had been accepted and some were being worked out.

As regards the financial aspects and the implementation processes, he said that the Government of India had appointed a 4-Minister Committee which periodically went into the question. The Government had made it its own concern to see that the developmental programmes in Kashmir became a real thing, he added.

The Home Minister informed the House that Government had agreed to treat the inhabitants of Ladakh as backward people and certain percentages had been fixed for the services in the general quota.

#### **Safe return of U.S. Astronauts**

On the 20th April, 1970 soon after the House met for the day, the Prime Minister Shrimati Indira Gandhi made a statement about the safe return of Apollo-13 U.S. astronauts.

Speaking on the occasion, Shrimati Gandhi said:

“.....I should like to refer to the safe return of the Astronauts last week and express the pleasure and admiration of this House and of the people of India for the magnificent achievement of the scientists and technicians of the U.S. Space Agency.

“.....When the spaceship Apollo-13 developed trouble last week, the anxiety was world-wide and one of the more welcome aspects of this harrowing experience was the fact that it linked the people of the world into one family.....The three brave men belonged to the United States, but we looked upon them as representatives of the human race and of the spirit of man.

“The Apollo-13 mission might have failed in its avowed objective of making a third landing on the moon. But it is one of those instances when failure can be deemed greater than victory. The rescue operations proved once again the extraordinary power and precision of the instruments of modern technology.....Our congratulations go out to the Scientists and Technologists of the Ground Control System, whose work has enabled the astronauts to return safely.

“.....I offer congratulations and greetings to the astronauts Lovell, Haise and Swigert and to their families; also, to the Space Scientists and to the people of the United States.”

Joining the Prime Minister in offering felicitations to the Astronauts on behalf of the House, the Speaker observed as follows:

“On your (House) behalf I join the Prime Minister in conveying our congratulations and in the fine and laudable ideas expressed by her, and I think the whole House joins me in sending our felicitations to these brave men.”

## WORK TRANSACTED

*Statement showing the work transacted during the Tenth Session of Fourth Lok Sabha*

1. PERIOD OF THE SESSION—20TH FEBRUARY TO 20TH MAY, 1970.	
2. NUMBER OF MEETINGS HELD . . . . .	62
3. TOTAL NUMBER OF SITTING HOURS . . . . .	421 hours and 23 minutes.
4. NUMBER OF DIVISIONS HELD . . . . .	36.
5. GOVERNMENT BILLS :	
(i) Pending at the commencement of the session	35
(ii) Introduced . . . . .	17
(iii) Laid on the Table as passed by Rajya Sabha . . . . .	5
(iv) Returned by Rajya Sabha with any amendment/recommendation and laid on the Table . . . . .	2
(v) Referred to Select Committee	1
(vi) Referred to Joint Committee . . . . .	Nil
(vii) Reported by Select Committee . . . . .	Nil
(viii) Reported by Joint Committee . . . . .	1
(ix) Discussed . . . . .	30
(x) Passed . . . . .	29
(xi) Withdrawn . . . . .	Nil
(xii) Negatived . . . . .	Nil
(xiii) Part-discussed . . . . .	Nil
(xiv) Discussion postponed . . . . .	Nil
(xv) Returned by Rajya Sabha without any recommendation	13
(xvi) Pending at the end of the session	30

## 6. PRIVATE MEMBERS' BILLS :

(i) Pending at the commencement of the session . . . . .	220
(ii) Introduced . . . . .	38
(iii) Laid on the Table as passed by Rajya Sabha . . . . .	Nil
(iv) Returned by Rajya-Sabha with any amendment and laid on the Table . . . . .	1
(v) Reported by Joint Committee . . . . .	Nil
(vi) Discussed . . . . .	4
(vii) Passed . . . . .	Nil
(viii) Withdrawn . . . . .	1
(ix) Negatived . . . . .	1
(x) Circulated for eliciting opinion . . . . .	Nil
(xi) Part-discussed . . . . .	1
(xii) Discussion postponed . . . . .	Nil
(xiii) Motion for circulation of Bill negatived . . . . .	Nil
(xiv) Referred to Select Committee . . . . .	1
(xv) Pending at the end of the session . . . . .	257

7. NUMBER OF DISCUSSIONS HELD UNDER RULE 93 :  
(Matter of Urgent Public Importance)

(i) Notices received . . . . .	141
(ii) Admitted . . . . .	7
(iii) Discussion held . . . . .	7

8. NUMBER OF STATEMENTS MADE UNDER RULE 197 :  
(Calling-Attention to matters of Urgent Public Importance)

Statements made by Ministers . . . . .	57
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## 9. HALF-AN-HOUR DISCUSSIONS HELD . . . . . 24

## 10. STATUTORY RESOLUTIONS :

(i) Notices received. . . . .	26
(ii) Admitted . . . . .	5
(iii) Moved . . . . .	5
(iv) Adopted . . . . .	1
(v) Negatived . . . . .	3
(vi) Withdrawn . . . . .	1



**11. GOVERNMENT RESOLUTIONS :**

(i) Notices received . . . . .	2
(ii) Admitted . . . . .	2
(iii) Moved . . . . .	2
(iv) Adopted . . . . .	2

**12. PRIVATE MEMBERS' RESOLUTIONS :**

(i) Received . . . . .	12
(ii) Admitted . . . . .	11
(iii) Discussed . . . . .	3
(iv) Withdrawn . . . . .	Nil
(v) Negatived . . . . .	2
(vi) Adopted . . . . .	Nil
(vii) Part-discussed . . . . .	1
(viii) Discussion postponed . . . . .	Nil

**13. GOVERNMENT MOTION :**

(i) Notices received . . . . .	5
(ii) Admitted . . . . .	5
(iii) Moved . . . . .	3
(iv) Adopted . . . . .	Nil
(v) Part-discussed . . . . .	1

**14. PRIVATE MEMBERS' MOTIONS :**

(i) Received . . . . .	225
(ii) Admitted . . . . .	78
(iii) Moved . . . . .	3
(iv) Adopted . . . . .	Nil
(v) Part-discussed . . . . .	2
(vi) Negatived . . . . .	1
(vii) Withdrawn . . . . .	Nil

## 15. MOTIONS REGARDING MODIFICATION OF STATUTORY RULE :

(i) Received . . . . .	3
(ii) Admitted . . . . .	2
(iii) Moved . . . . .	} Nil
(iv) Adopted . . . . .	
(v) Negatived . . . . .	
(vi) Withdrawn . . . . .	
(vii) Part-discussed . . . . .	

16. NUMBER OF PARLIAMENTARY COMMITTEES CREATED, IF ANY,  
DURING THE SESSION . . . . . Nil

17. TOTAL NUMBER OF VISITORS' PASSES ISSUED DURING THE SESSION 43242.

18. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY  
SINGLE DAY AND DATE ON WHICH ISSUED 1168 on  
20-5-1970

## 19. NUMBER OF ADJOURNMENT MOTIONS :

(i) Brought before the House . . . . .	21
(ii) Admitted and discussed . . . . .	1
(iii) Barred in view of Adjournment Motion admitted on the subject . . . . .	9
(iv) Consent withheld with Speaker . . . . .	83
(v) Consent given by Speaker but leave not granted by House . . . . .	Nil

## 20. TOTAL NUMBER OF QUESTIONS ADMITTED :

(i) Starred . . . . .	1,768
(ii) Unstarred (including Starred Questions converted as Unstarred Questions) . . . . .	10,109
(iii) Short-notice Questions . . . . .	37

21. NUMBER OF REPORTS OF VARIOUS PARLIAMENTARY COMMITTEES  
PRESENTED TO THE LOK SABHA :

(i) Estimates Committee . . . . .	29
(ii) Public Accounts Committee . . . . .	39
(iii) Committee on Public Undertakings . . . . .	18
(iv) Business Advisory Committee . . . . .	7

(v) Committee on absence of Members from the sittings of the House	2
(vi) Committee on Subordinate Legislation	2
(vii) Committee on Petitions	1
(viii) Committee on Privileges	1
(ix) Committee on Private Members Bills and Resolutions	7
(x) Committee on Government Assurances	1
(xi) Committee on the Welfare of Scheduled Castes and Scheduled Tribes	2
(xii) Joint Committee on Offices of Profit	1
(xiii) Rules Committee	Nil
22. NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE	9
23. PETITIONS PRESCRIBED	4
24. NUMBER OF NEW MEMBERS SWORN WITH DATES AND CONSTITUENCIES	

S. N.	Name of Members sworn	Date on which sworn	Constituency
1.	Shri Sardar Amjad Ali	5-3-1970	Basirhat (West Bengal)
2.	Shri Yadav Shivram Mahajan	1-5-1970	Buldana (Maharashtra)
3.	Shri Digambar Singh Chaudhari	20-5-1970	Mathura (U.P.)
4.	Shri Kedar Nath Singh	20-5-1970	Sultanpur (U.P.)

#### BILLS PASSED DURING THE TENTH SESSION OF FOURTH LOK SABHA

1. The Requisitioning and Acquisition of Immovable Property (Amendment) Bill, 1970.
2. The Union Duties of Excise (Distribution) Amendment Bill, 1970.
3. The Additional Duties of Excise (Goods of Special Importance) Amendment Bill, 1970.
4. The Appropriation (Vote on Account) Bill, 1970.
5. The Banking Companies (Acquisition and Transfer of Undertakings) Bill, 1970.
6. The Appropriation Bill, 1970.
7. The Manipur Appropriation Bill, 1970.
8. The Manipur Appropriation (No. 2) Bill, 1970.
9. The Appropriation (Railways) Bill, 1970.
10. The Appropriation (Railways) No. 2 Bill, 1970.

11. The Haryana and Punjab Agricultural Universities Bill, 1970.
12. The West Bengal Appropriation (Vote on Account) Bill, 1970.
13. The West Bengal Appropriation Bill, 1970.
14. The Press Council (Amendment) Bill, 1970, *as passed by Rajya Sabha.*
15. The Calcutta Port (Amendment) Bill, 1970, *as passed by Rajya Sabha.*
16. The Essential Commodities (Amendment) Continuance Bill, 1970, *as passed by Rajya Sabha.*
17. The West Bengal State Legislature (Delegation of Powers) Bill, 1970, *as passed by Rajya Sabha.*
18. The Appropriation (No. 2) Bill, 1970.
19. The Finance Bill, 1970.
20. The Petroleum (Amendment) Bill, 1970.
21. The Contingency Fund of India (Amendment) Bill, 1970.
22. The Merchant Shipping (Amendment) Bill, 1969, *as passed by Rajya Sabha.*
23. The North-Eastern Council Bill, 1970.
24. The University Grants Commission (Amendment) Bill, 1968, *as passed by Rajya Sabha.*
25. The Indian Soldiers (Litigation) Amendment Bill, 1968, *as passed by Rajya Sabha.*
26. The Central Silk Board (Amendment) Bill, 1970.
27. The Tea (Amendment) Bill, 1968, *as passed by Rajya Sabha.*
28. The Special Marriage (Amendment) Bill, 1968, *as passed by Rajya Sabha.*
29. The Army, Air Force and Naval Law (Amendment) Bill, 1970.

## QUESTION HOUR DURING TENTH SESSION OF THE LOK SABHA

### *Commencement of Session*

Summons for the commencement of the Tenth Session from February 20, 1970 were issued on January 19, 1970. During the Session, Lok Sabha held 62 sittings out of which 57 sittings started with Question Hour. The session terminated on May 20, 1970.

### *Receipt of Notices of Questions*

Rule 33 of the Rules of Procedure, as amended, provides that unless the Speaker otherwise directs, not less than ten and not more than twenty-one clear days' notice of a question shall be given by a Member for an answer in the House. In all, 634 notices of Starred Questions for February 23, 1970, the first sitting of the Session to start with Question Hour were received on January 31, 1970 and the names of the 109 Members from whom notices were received upto 10.00 hours on that day, were included in the first ballot. During the entire Session, an average of 588 notices of questions—with the maximum of 1,030 notices on February 16, 1970—were received daily for inclusion in the ballot.

In order to determine *inter se* priority of notices of questions received at the same time on any day between the first and the last dates of receipt of notices of questions, the ballot was held daily at 12.30 hours and 16.00 hours, as necessary. The result of ballot held each day was displayed on the Notice Board in the Lobby for the information of Members.

The break-up of the total number of questions received during the Session is as follows:—

Starred	.	.	.	.	31,395
Unstarred	.	.	.	.	1,424
Short Notice	.	.	.	.	1,874
				TOTAL	<u>34,693</u>

### *Admission of Questions*

Out of the total notices of 32,819 both Starred and Unstarred Questions, 1,768 were admitted as Starred and 10,109 as Unstarred. The total number of admitted questions during the Session represented about 36 per cent of the total number of notices received, both Starred and Unstarred. This figure includes the notices of questions by Members whose names were added to the admitted Questions on the same subject

*Short Notice Questions*

Out of the total receipt of 1,874 Short Notice Questions received, 37 notices were admitted and 34 were answered on the floor of the House. Three Short Notice Questions admitted for the 4th and 24th March and 16th April, 1970 were postponed for answer on the 11th March and 7th and 28th April, 1970 respectively. One Short Notice Question admitted for the 20th March, 1970 could not be taken up that day as the House adjourned due to the death of Shri Jaipal Singh, M.P. and the same was answered on the 3rd April, 1970. One Short Notice Question regarding accord on Birla House for the 10th April, 1970 was held over by the Chair for answer on the 20th May, 1970.

*List of Unstarred Questions*

In accordance with the decision of the Rules Committee, not more than 200 admitted questions were included in the Unstarred List of Questions for any day and notices of admitted questions which could not be included in the Unstarred Lists being in excess of 200 were revived automatically for the subsequent sittings available during the session. Accordingly, some of the questions were included in the Lists for subsequent dates and some of them were disallowed by clubbing names of the Members to the admitted questions received on the same subject for the subsequent sittings at the end of the Session. Only 40 questions which remained in excess of 200 questions lapsed.

On 29 days, Unstarred List of Questions contained less than 200 questions.

*Revival of Notices*

544 questions representing questions in excess of the permissible limit of 5 starred questions per Member per day, were disallowed. The Members concerned were informed accordingly to enable them to revive the notices of such questions for the subsequent sittings available during the Session, if they so desired. Substantial percentage of such notices was revived by the Members for the next available dates.

*Daily average of Questions*

The Session consisted of 62 sittings, out of which Question Hour was allotted for 59 sittings. The Question Hour for the sitting to be held on the 6th March, 1970 was, however, subsequently cancelled due to the adjournment of the Lok Sabha on account of Mahasivaratri. The House also adjourned on the 20th March, 1970 due to the death of Shri Jaipal Singh, M.P. Answers to Questions (Starred and Unstarred) for the 6th and 20th March, 1970 were deemed to have been laid on the Table on the next day.

Each Starred List contained 30 questions whereas the average of questions in the Unstarred List came to 171 as against the maximum limit of 200 questions. Out of 30 questions in the Starred List, 5 questions on an average were orally answered in the House daily. The minimum number of questions orally answered was 2 on the 16th March, 1970 and the maximum number was 8 on the 4th, 5th and 11th May, 1970, respectively.

*Half-an-Hour Discussions*

Under Rule 55 of the Rules of Procedure, 4,073 notices of half-an-hour discussions were received during this Session as against 1,576 notices received for the corresponding Session of 1969. Of these, 33 discussions were put down in the List of Business. The admitted notices covered 10 Ministries/Departments.

Out of the 33 admitted Half-an-Hour Discussions, 24 were taken up in the House. Five half-an-hour discussions fixed for the 4th and 25th March, 6th and 29th April and 6th May, 1970 could not be held on those dates for want of time and these were subsequently taken up on the 9th March, 1st and 13th April, 4th and 11th May, 1970, respectively. One half-an-hour discussion admitted for the 20th March, 1970 could not be held on that day owing to the adjournment of the House due to the death of Shri Jaipal Singh, M.P., and it was taken up on the 10th April, 1970. Two Half-an-Hour Discussions fixed for the 18th and 20th May, 1970 could not also be taken up for want of time.

Members took keen interest in the Half-an-Hour Discussions. As the requests from the Members for participation in the Discussions far exceeded the prescribed limit of 4, the names of members were balloted in order to determine the first four names of Members who might be permitted to ask a question each during the discussion. All such ballots were held in the presence of Members.

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## **RAJYA SABHA**

### **(i) SEVENTY-FIRST SESSION OF THE RAJYA SABHA**

The 71st Session of the Rajya Sabha commenced on the 20th February, 1970 and ended on the 4th April, 1970. Some of the important discussions that took place during the session and the business transacted are given below:—

#### **Point of Order**

The Session began with an interesting point of order raised by Smt. Yashoda Reddy on the opening day (20th February, 1970) after the Chairman had called upon the Secretary to lay the President's Address on the Table. She said that the convention was that the President addressed the Members of both the Houses, assembled together in the Central Hall. He read the English version himself and made the Vice-President read the Hindi version. Therefore, to maintain the dignity of the House, she was of the opinion that the House should not take cognisance of the President's Address given in Hindi. If at all, only the English version of the President's Address should be laid on the Table of the House. She was supported by many Members in her contention. At the end, the Chair ruled that the President addressed the session of both Houses assembled together. Under his orders, his Address was translated. The translation in Hindi, the authorised translation, was supplied to the hon. Members. The Chairman directed that the English Address, along with the Hindi translation, might be laid on the Table of the House, which was accordingly done.

#### **Discussion on the President's Address**

On February 23, 1970 Shri Arjun Arora moved that a Motion of Thanks be presented to the President in the following terms:—

“That the Members of the Rajya Sabha assembled in this Session are deeply grateful to the President for the Address which he has been pleased to deliver to both Houses of Parliament assembled together on the 20th February, 1970.”

Speaking on the motion, the Member said that, usually, he had been a critic of the Government. But he was really inspired by this Year's President's Address. It was an unusual Address and that was why the Member asked for the privilege of moving the Motion of Thanks.



Secondly the motion, Shrimati Lalitha Rajagopalan said that the President of India in his Address had reiterated the Government's policy and programme by saying that we were always on the path of socialism.

The Leader of the Opposition, Shri S. N. Mishra, said that the Address was a completely lifeless, dull and dry Address. This was bound to be so because the Government had only tried to cover up its failures on the economic front, the international front, the defence front and also, most important of all, its failures on the political front.

Shri Rajnarain said that he did not recognise the Address as Address by the President. The President, he said, had lowered the dignity of his office by giving such an Address.

Shri Balachandra Menon said that the President's Address did not give any clear picture of what was expected from the Government.

Shri Dahyabhai V. Patel said that the Government was guided and misguided by the Communists. The Government was talking of socialism; this catchword was quite wrong. In fact socialism was never enshrined in the Constitution.

Shri Sundar Singh Bhandari said that though the President's Address mentioned about certain events which caused great anxiety, yet it did not mention what attitude the Government would take about such events.

Shri M. M. Dharia said that the President's Address was a frank review of the past and a firm resolve for the future. It was a solemn affirmation of the Government of India and also the people in this country to enter the decade of seventies with courage, confidence and determination to implement the socialist objectives that India had cherished so far.

Shri M. P. Bhargava said that no mention had been made in the President's Address about the said demise of our revered President, Dr. Zakir Husain, who died last year after delivering his last President's Address.

The Prime Minister (Shrimati Indira Gandhi), replying to the debate, said that as many hon. Members had remarked, the President's Address this year had been much more than a mere formal address. It was an urgent summons to the task which awaited us as we entered one new decade after completing another. The Prime Minister shared the

concern expressed by many hon. Members regarding unemployment. A solution to the unemployment problem had to be found within the framework of the Plan.

The Prime Minister concluded by commending the Motion of Shri Arjun Arora to the House.

In all thirty eight Members took part in the discussion.

#### **General Discussion on the Railway Budget**

The General Discussion on the Railway Budget took place in the Rajya Sabha on the 10th, 11th, and 12th March, 1970. Initiating the discussion Shri T. V. Anandan said that the Railway Budget had created disappointment in the country because of the socialist ideas which were being propagated in the country after July, 1969 were lacking in it. In the midst of the discussion Shri Lokanath Misra, raising a point of order, said that certain concessions had already been announced in the other House, but this House did not know whether there were any concessions at all. Several other Members supported this point and the Deputy Chairman, sharing the feeling expressed by the Members, hoped that the statement regarding concessions etc., would be made simultaneously in both the Houses so that the dignity of each House is maintained.

With the point of order settled, the House proceeded with the general discussion of the Railway Budget. Members from all sides evinced keen interest in the discussion.

Shri Sundar Singh Bhandari suggested that the ticketless travelling should be checked in a better manner.

Shri Banka Behary Das said that the Railway Minister should give more attention to streamlining the Railway Board and the Administration.

Shrimati Sarla Bhaduria suggested that the Minister should travel *incognito* in order to see the difficulties of the railway passengers.

Shri A. D. Mani told that this was the first time that the fares announced in the Railway Budget were immediately withdrawn as a result of public pressure.

Replying to the debate the Minister of Railways, Shri Gulzari Lal Nanda, assured the House that immediate thought would be given to improve the passenger amenities like lighting, drinking water and sanitation especially in third-class compartments. The Minister appealed to the railway workers in all parts of the country to raise the level of efficiency and effect economy.

In all twenty nine Members took part in the discussion.

### **General Discussion on the General Budget (1970-71)**

The General Discussion on the General Budget 1970-71 which was laid on the Table of the Rajya Sabha on the 28th February, 1970 took place on the 16th, 17th, 18th, 24th and 25th March, 1970. Initiating the discussion Shri M. S. Gurupadaswamy said that the common man will be greatly disillusioned by looking at the Budget although a few frills like pension to industrial workers and increase in personal taxation on higher slabs had been introduced only to give a face-lift to the Budget.

Shri A. G. Kulkarni said that the Budget proposals constituted the significant step to fight poverty and to provide certain immediate minimum needs.

Prof. Saiyid Nurul Hasan said that he would congratulate the Prime Minister especially for providing more funds to the University Grants Commission.

Shri A. P. Jain said that the green revolution which was being talked of was only restricted to the production of wheat and that there had not been any spectacular increase in the production of rice or coarse grains or pulses.

Shri A. P. Chatterjee said that the Prime Minister presented a Budget which was helping the rich to become richer and making the poor poorer.

Shri Thillai Villalan welcomed the measures to benefit small farmers and agricultural labour, nutrition programmes for children etc. The Budget, he said, had socialism as its basis.

Shri M. P. Bhargava criticised the Sarkar Committees Report regarding the C.S.I.R. affairs.

Shri Rajnarain said that the Budget was purely a traditional, reactionary, strangulating and capitalistic one. The Budget, he said, would lead to increase inflation and deficit financing.

Intervening in the debate Shri Khadilkar, the Minister of State in the Ministry of Finance, said that the Budget had been framed keeping in view the clear objective of economic growth and social justice. The bank nationalisation he said was a major step intended to give a push to our economy.

Shri Bhupesh Gupta said that the Budget did not have a clear-cut approach in regard to the question of rising trend in prices which had been seen in recent years. He said that taking into account the growing population at the existing level of living we needed at least 6 to 7 per cent. rate of economic growth.

Replying to the debate the Prime Minister, Shrimati Indira Gandhi, said that while she did not have any resounding claim for the Budget, it could have been better and bolder had the resources permitted. In evaluating this Budget, she said, the emphasis should be on its main thrust. In the past few years public investments had not been on the desired scale and after the years of drought and recession, the private sector also was not able to rekindle the spark of growth. It was the impetus, she said, generated by the Government expenditure which stimulated private investment. While attempting to reduce social inequalities and to maintain price stability, Government had also taken care that incentives for saving were not impaired. Capital formation backed by our own internal savings had to be the key-note of development.

In all, forty six members took part in the discussion.

#### **Important Bills passed**

Three important Bills were passed during this Session of the Rajya Sabha. The first was the Press Council (Amendment) Bill, 1970 which made important changes in the composition and functions of the Press Council. In the original Press Council Act, the Chairman of the Press Council was appointed by the Chief Justice of India. In this amending Bill it was provided that the Chairman would be nominated by a Nominating Committee consisting of the Chief Justice of India, the Chairman of the Rajya Sabha and the Speaker of the Lok Sabha. The members would also be selected by the Nominating Committee.

So far as the functions of the Press Council were concerned, it was provided that the Council would make a study of the foreign Journals also particularly those which were brought out by the Embassies. The Council was also empowered by this Act to requisition any public record or a copy thereof from any public office which was not of a confidential nature. They could also enforce the powers for taking evidence from people whom they might like to examine.

The next important Bill which was passed during the session was a Private Members' Bill. It was the Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Bill, 1969. The Bill was originally introduced in the Lok Sabha by Shri A. N. Mulla and passed by that House before it was transmitted to the Rajya Sabha. The Bill enlarged the powers of the Supreme Court to the extent that besides cases involving sentences of death it was empowered to hear appeals where the sentence was imprisonment for life or imprisonment for a period of not less than 10 years. And the second case where the Court was entitled to hear appeals was where the High Court "has withdrawn for trial before itself any case from any court subordinate to its authority and has in such trial convicted the accused person and sentenced him to imprisonment for life or to imprisonment for a period of not less than 10 years".

The third important Bill which was passed during the session was the Banking Companies (Acquisition and Transfer of Undertakings) Bill, 1970. This Bill which sought to replace the Banking Companies (Acquisition and Transfer of Undertakings) Ordinance, 1970 promulgated by the President on the 14th February, 1970 to meet the Supreme Court Judgment invalidating the nationalisation of 14 Banks, was considered along with a statutory resolution seeking disapproval of the said Ordinance.

By this enactment the loopholes of the original Act of 1969 as pointed out by the Supreme Court in its Judgment were plugged and the nationalisation of Banks received the seal of Parliamentary approval.

#### **Farewell to the Retiring Members**

On April 2, 1970, the House gave farewell to its retiring Members.

The Chairman thanked the retiring Members for the courtesy and cooperation which they had always extended to him in the House and outside and for their valuable help in maintaining the dignity and prestige of the House. It was hoped that they would use their valuable experience to promote wider understanding of our democratic system.

The Leader of the House, Shri K. K. Shah and Leader of the Opposition, Shri S. N. Mishra and several other Members associated themselves with the sentiments expressed by the Chairman.

### **Welcome to New Members**

On April 3, 1970, the Chairman extended a warm welcome to all the newly elected and nominated Members.

### **Reference to Continuance of Certain Ministers in the Government**

On April 3, 1970 Shri Mulka Govinda Reddy raised a question regarding the continuance of three Ministers in the Government who had since ceased to be Members of the Rajya Sabha. Since these Members were appointed Ministers in their capacity as Members of the House, the Members contended, they automatically cease to be Ministers of the Government.

After a full discussion on the point raised by Shri Reddy in which a number of Members including the Leader of the House and the Leader of the Opposition and the Minister of Law took part, Mr. Deputy Chairman summed up the position by saying that there were three aspects involved: one was factual, the other was constitutional and the third was regarding political morality. So far as the factual aspect was concerned, the three Ministers ceased to be Members of either House on the 2nd of April, midnight. As mentioned by the Minister of Law, the three Ministers had tendered their resignations and their resignations had been forwarded to the Prime Minister. It meant that they had vindicated their position. Only the Prime Minister had asked them to continue in office for some more period.

So far as the Constitutional position was concerned, contradictory views had been expressed, and the House was not the forum to decide the Constitutional aspects. There was another forum where we could decide about Constitutional matters.

So far as political morality was concerned, it was a matter for the consideration of the Government and the Members, and as it had been pointed out by the Law Minister and the Leader of the House both of them would convey the feelings and the sentiments of the Members to the Prime Minister.

**Short Duration Discussion**

In addition, short duration discussions on the following subjects under Rule 176 of the Rules of Procedure of the House were held during the Session:—

(i) Role of Governors in relation to formation of Ministries in Uttar Pradesh and Bihar;

(ii) Constitutional implications of the prorogation of the Haryana Legislative Assembly after the admission of no-confidence motion against the Council of Ministers.

(iii) Slogan of Indianisation of Muslims raised in certain quarters and implications thereof.

**(ii) SEVENTY-SECOND SESSION**

The Seventy-Second Session of the Rajya Sabha which commenced on the 27th April, 1970, ended on the 23rd May, 1970. Some of the important discussions during the Session and some important business transacted are briefly mentioned below:—

**Discussion on the Working Ministries**

In this session, the Rajya Sabha started a new practice of discussing the working of the Ministries of the Government of India. The working of the following four Ministries were, accordingly, discussed:

1. Ministry of Industrial Development, Internal Trade and Company Affairs;
2. Ministry of Home Affairs;
3. Ministry of Defence; and
4. Ministry of Foreign Trade.

A large number of Members took part in the discussion and this procedure gave them ample opportunities to express their views on the various aspects of the policy and the administration of the Ministries under discussion.

***Ministry of Industrial Development, Internal Trade and Company Affairs***

Initiating the discussion on the 29th April, 1970, Shri Krishan Kant said that he was very glad that a new convention had been started in the House relating to the discussion of the working of the Ministries. He expressed satisfaction at the rise in industrial production by 7½ per cent.

Shri Manubhai Shah said that the Industrial Licensing could not be a potent instrument for curbing monopolies or the concentration of economic power.

Shri A. G. Kulkarni said that in the background of the recession, it was creditable for the Ministry of Industrial Development to have increased the production of steel, zinc, aluminium and machine tools.

Shri Prem Manohar said that the monopolies were not created by anybody but were the outcome of the policies of the Government for which the Ministry alone was responsible.

Shri M. K. Mohta said that industrialization was the need of the hour and it should be taken up on a war footing.

Shri Bal Krishna Gupta said that the Ministry of Industrial Development was in fact not a Ministry of industrial progress but of industrial regress.

Dr. K. Mathew Kurian making his maiden speech, said that the Report of the Ministry gave a wrong impression as if the country was on the road to rapid industrial advancement.

Shri Banka Behary Das said that the Ministry had failed to further industrial growth in the country and to regulate the industrial and the licensing policy of the country.

Shri G. A. Appan suggested that we should achieve more economy and efficiency in our public undertakings.

Replying to the debate the Minister of Industrial Development, Internal Trade and Company Affairs, Shri Fakhruddin Ali Ahmed said that it was not correct to say that during the last two or three years there had been no increase in industrial production. He also denied that there was an unusual delay so far as the files relating to the licensing were concerned. He assured the House that the Government would try to increase foreign exchange allocation to the small scale industries. He concluded his reply by referring to the setting up of the Monopolies Commission and expressed the hope that he would be able to announce this by next month.

In all, 13 Members took part in the discussion.

#### *Ministry of Home Affairs*

On the 30th April, 1970, the working of the Ministry of Home Affairs was discussed, Dr. Bhai Mahavir initiating the discussion. He said that the Ministry was functioning in such a manner that the country found itself now in a very explosive situation.



Shri Mahitosh Purkayastha said that there was a general erosion in the people's faith, and respect for law and order in the country. Forces of communal violence were also gaining strength day by day.

Shri M. Ruthnaswamy said that only the education of the masses by the political parties could restore political harmony. He suggested that, as in England, there should be a special railway police charged with the duty of protecting the property of the Railway and of patrolling the railway lines and saving the passengers from violence.

Shri Sasankasekhar Sanyal making his maiden speech said that after the removal of the United Front Government in West Bengal and the advent of the President's rule, the Naxalite activity had increased by leaps and bounds.

Shri Kalyan Roy said that the slogan of Indianization might lead to civil war.

Shri G. A. Appan said that there should be a cohesive Central Government with a greater amount of autonomy for the States.

Shri Balkrishna Gupta said that there was complete anarchy in the country at the present time. He suggested that the present Governor of West Bengal should be removed from office.

Shri N. G. Goray said that the Naxalite activities constituted one of the main challenges to the Indian democracy.

Shri A. D. Mani said that while there was considerable scope for revising Centre-State relations in order to have more financial power for the State Governments, the hands of the Central Government should be strengthened by maintaining law and order and the overall integrity of the country.

Shri Pranab Kumar Mukherjee said that the problem of the Naxalites could not be solved only from the administrative point of view. It should be solved also politically, economically and through agrarian reforms.

Shri Akbar Ali Khan said that even in the interest of the Telengana people, a separate State was not the solution.

Replying to the discussion, the Minister of Home Affairs, Shri Y. B. Chavan said that the most important problem facing the country today was the present law and order situation particularly with reference to the communal tensions and what was known as the Naxalite Movement. While he shared the feeling of some Members that the atrocities committed by the Naxalites deserved condemnation, the matter could not be dealt with only as a general law and

order situation. It had to be viewed in a wider political, social and economic perspective. As regards the privy-purse, he said that the Government had already announced its decision to introduce a Bill for its abolition in this Session itself and the Government stood by that assurance.

In all, 16 Members took part in this debate.

#### *Ministry of Defence*

On the 20th May, 1970, the working of the Ministry of Defence was discussed. Initiating the discussion, Shri R. T. Parthasarathy said that the foundation for a sound defence policy should be primarily the security of the country.

Shri Arjun Arora said that the efforts at increasing defence production made in our country since 1957 had been highly praise-worthy and during the last 14 years almost wonders had been achieved. He cited the production of the Avadi tanks and the Mig planes.

Shri Sundar Singh Bhandari said that Pakistan was receiving arms both from the U.S.A. and the Soviet Union and there was a massive piling up of armaments on our borders. He suggested that a technical expert should be included in the Defence Committee of the Cabinet so as to advise it in technical matters relating to the country's security.

Shri Ram Niwas Mirdha said that the relationship between the service Chiefs and the Civil Administrators should be governed by healthy and useful convention so that there could be a meaningful defence administration at all levels.

Shri M. Ruthnaswamy said that in our present state of economic development we could not afford nuclear weapons. We should depend on conventional weapons and also on a wise selection of foreign allies.

Shri Bhola Prasad said that India should strengthen its relations with countries like the Soviet Union which could not only supply us arms during a war but also help us in manufacturing the latest modern weapons.

Shri Rajnarain said that both the Soviet Union and the U.S.A. were imperialist powers and they did not want that India should make much progress. He regretted that there was no secret information regarding our military position which was not available in publications published outside India. This information, he said, was supplied by our Government Offices and Ministers.

Shri Sasankasekhar Sanyal said that the morale of the people which counted in an effective and long-drawn out resistance to aggression by foreigners was the fundamental concept of defence in modern days.

Shri Thillai Villalan said that the first and the foremost prerequisite for defence preparedness should be to build up the nation's will and the capacity to fight. To be militarily strong a country was required to be economically viable also.

N. G. Goray said that the Navy was the most neglected part of our defence forces.

Replying to the debate, the Minister of Defence, Sardar Swaran Singh said that our total defence apparatus in the matter of organization, training and equipment was definitely much better compared to the earlier years. He did not underestimate the importance of navy which was necessary to ensure the safety of the country from the naval point of view.

But with our limited resources, he said, our first thoughts and priorities should naturally go to army and the air force. The Government, he added, had taken a decision not to utilize and develop nuclear energy for purposes other than peaceful ones.

In all, 15 Members spoke during the debate.

#### *Ministry of Foreign Trade*

On the 22nd May, 1970, there was a discussion on the working of the Ministry of Foreign Trade. Opening the discussion, Shri Lokanath Misra said that the essential requisites for building up foreign markets were very much lacking in the Ministry. He attributed it to the incompetence of the Public Sector Undertakings.

Shri Manubhai Shah said that the recession in the country was primarily responsible for reduction in imports.

Shri Ram Niwas Mirdha said that if the Private Sector had risen to the occasion and given good account of itself, our foreign trade position would have been much better.

Shri Balkrishna Gupta said that it was a matter of shame that though our population was about 16 per cent of the total world population, our international trade was only 0.8 per cent of the total world trade.

Dr. Mathew Kurian said that American penetration was increasing more and more in the Ministry of Foreign Trade.

Shri Thillai Villalan said that the State Governments should be allowed to have their own Export Promotion Commissioners posted in foreign countries for the sale of their goods.

Shri Banka Behary Das said that for a developing country like India, export trade was very much important for building up our economy on the lines of self-reliance.

Shri B. T. Kemparaj said that wherever there was a public sector undertaking, there was a huge loss.

Replying to the discussion the Minister of Foreign Trade, Shri Bali Ram Bhagat said that it was true that our exports had grown at a slower rate than the world exports, but during the last two or three years, the country's exports had shown a steady rise. He concluded by saying that export was a function of the entire economic production because if there was lower production and if the rate of growth was small in the industrial field, agricultural field or commercial field, exports could not be increased.

In all, 13 Members took part in the discussion.

#### **Bills Passed**

During this session, the legislative work performed by the House was mostly financial. It included the Appropriation Bill and the Finance Bill.

#### *Appropriation (No. 2) 1970, Bill*

Moving for consideration of the Bill, the Minister of Supply and the Minister of State in the Ministry of Finance, Shri R. K. Khadiolkar said that the Bill provided for the withdrawal from the Consolidated Fund of India of the amounts required to meet the expenditure charged on the Fund and grants voted by the Lok Sabha. The figures in the Bill were based on the provisions shown in the Demands for Grants and were inclusive of the sums voted on Account and provided for in the Appropriation (Vote on Account) Act, 1970 for meeting the expenditure during April-May 1970. The figures in the Bill represented gross amount of withdrawals to be made from the Consolidated Fund of India and did not take into account the Receipts of adjustments in reduction of expenditure.

Speaking on the Bill, Shri S. D. Mishra said that there should be effective curb on the part of the Government to take loans so that the income of the Government may not fall far behind the borrowed capital from abroad.

Shri Ram Niwas Mirdha suggested that there should be an extensive programme to increase agricultural production particularly the cotton production in India.

Shri D. Thengari said that there was no justification for the Government to come forward with any additional demands because Government had failed to fulfil even the primary expectations of the people.

Shri G. A. Appan said that the purchasing power of the present Indian currency had lost its old standard because the money in circulation was not sufficiently supported by the metallic currency.

Shri Chandrashekhar said that Government was not fulfilling the promises made to the people after Bank nationalisation.

Shri Sasankasekhar Sanyal said that the recent influx of refugees from East Pakistan should be tackled in an effective manner.

Shri Dahyabhai V. Patel said that the country was sinking because of the grandiose planning.

Shri Bhupesh Gupta criticised the role of the United States in attacking Cambodia.

Replying to the debate, the Minister said that a limit on the borrowings of the Central Government could not be imposed because of some practical difficulties. Referring to the rise in prices, the Minister denied that it was all consequential to the budget. He, however, assured the House that in the interest of the common people, the Government would think of the best measures to ensure price stability commensurate with economic growth.

In all 33 Members participated in the debate extending over to 4th, 5th and 6th May, 1970.

#### *Finance Bill, 1970*

On the 11th and 12th May, 1970, the House considered and passed the Finance Bill, 1970, as passed by the Lok Sabha.

Moving for consideration of the Bill, the Minister of State in the Ministry of Finance, Shri P. C. Sethi, said that no budget proposals could satisfy all shades of public opinion. In this year's budget the Government had tried to ensure that whatever additional revenues were raised should be deployed in a manner as would raise the potential growth of the economy and in the overall scheme of raising revenues, a proper balance was maintained between direct and indirect taxes.

Shri M. S. Gurupadaswamy said that the concessions announced by the Minister after the presentation of the budget, were very marginal.

Shri S. G. Sardesai said that the enthusiasm which was generated in the country when the budget proposals were made, had died down.

Shri M. N. Kaul said that the budget took the country one step forward in the direction of socialism.

Shri Rajnarain said that Government should not be authorised to spend a single penny because it had completely failed in its task.

Shri A. P. Chatterjee said that the Finance Bill contained more benefits for capitalism and monopoly capitalism.

Shri Thillai Villalan said that there must be frequent consultation between the Centre and the States with regard to every step which the Central Government took for the implementation of various programmes.

Replying to the debate, Shri P. C. Sethi, Minister of State in the Ministry of Finance, said that the Government had to see that the tax efforts had to be on a wider base in order to have better economic growth in the country.

In all 15 Members participated in the debate.

#### **Question regarding the Rights, Privileges and Facilities for the Leader of the Opposition**

On the 14th May, 1970, Shri S. D. Mishra raised a question regarding the rights, privileges and facilities for the Leader of the Opposition. He said that on the 18th December, 1969 the Chairman had recognised Shri S. N. Mishra as the Leader of the Official Opposition and the Congress (O) Party as the Official Opposition Party in the Rajya Sabha. On that day, the Government had assured that the rights and privileges of the Leader of the Opposition would be announced very soon but although a period of five months had passed, nothing had been done till then. He wanted an assurance from the Government that these facilities would be codified in this Session and passed before the House adjourned.

The entire House seized itself of the matter and spent the whole day discussing this question. The main item of business on the List for the day, namely, the motion on International situation was not taken up.

Shri Bhupesh Gupta said that while the CPI did not agree to recognise anybody as the Official Leader of the Opposition in the Rajya Sabha, it had accepted the recognition of such a Leader by the Chair. So far as the questions of salaries and other facilities were concerned these should be thrashed out before the bar of the nation.

Shri Rajnarain regretted that even though six months had elapsed, the Government had not announced its decision in regard to the salary, amenities etc. for the Leader of the Opposition.

Shri Pitamber Das said that the party which had the requisite number of Members had the right to be called as the Opposition Party and the Leader of such a Party should be recognised as the Leader of the Opposition. Once that position was accepted, it would flow therefrom that all the privileges attached to that office would automatically be given to him.

Shri Dahyabhai Patel requested the Chair to help the Government to come to a decision early.

Shri Thillai Villalan said that as Shri Mishra, as the Leader of the Opposition, did not represent all the Opposition Parties, the question of allowing privileges and facilities to him should be carefully discussed before a new tradition is evolved in the House.

Shri A. P. Chatterjee said that there was no Official Opposition and his Party would oppose the extension of any privileges to any particular Party.

Shri Mulka Govinda Reddy said that the Leader of the Opposition was entitled to the privileges and there should be no objection to giving him the same.

The Leader of the House Shri K. K. Shah said that while he did not commit that decision in that regard would be conveyed to the House before the end of the Session, Government would see to it that the question was settled with utmost expedition.

The Deputy Chairman concluded by saying that in view of what the Leader of the House had said, the matter might be left at that stage.

**Discussion on the lathi charge by the Police on the S.S.P.  
Demonstration**

This was an important discussion of the 72nd Session of the Rajya Sabha. Originally on the 27th April, 1970, a calling attention notice on the subject on a matter of urgent public importance was admitted and a statement relating thereto was made by the Minister of Home Affairs. Subsequently on the next day, *i.e.*, the 28th April, 1970, the Leader of the Opposition, Shri S. N. Mishra moved a formal motion to the effect that the statement made on the subject by the Home Minister on the previous day be taken into consideration. An amendment was moved which was supported by all sections of the House viewing "with grave concern the happenings of April 6, 1970, in connection with the S.S.P. demonstration in and around Patel Chowk in New Delhi."

At the end of the discussion, the motion was adopted as amended.

**Short duration discussion under Rule 176**

On the 13th May, 1970, the House discussed under Rule 176 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, the latest developments in relation to the demand for a separate Telengana State. The discussion was raised by Shri V. B. Raju.

**Obituary Reference**

On the 23rd May, 1970, Mr. Chairman referred to the sudden passing away of Shri P. Govinda Menon, Minister of Law and Social Welfare in New Delhi that morning.

The House, thereafter, adjourned without transacting any further business.



## WORK TRANSACTED

(i) *Seventy-First Session*

1. PERIOD OF SESSION . . . . .	20TH FEBRUARY TO 4TH APRIL, 1970.
2. NUMBER OF MEETINGS HELD . . . . .	29.
3. TOTAL NO. OF SITTING HOURS . . . . .	177 hours and 23 minutes.
4. NO. OF DIVISIONS HELD . . . . .	5
5. GOVERNMENT BILLS:	
(i) Pending at the commencement of the session . . . . .	15
(ii) Introduced . . . . .	3
(iii) Laid on the Table as passed by the Lok Sabha . . . . .	13
(iv) Returned by the Lok Sabha with amendment and laid on the Table . . . . .	Nil
(v) Referred to Select Committee . . . . .	Nil
(vi) Referred to Joint Committee . . . . .	Nil
(vii) Reported by Select Committee . . . . .	Nil
(viii) Reported by Joint Committee . . . . .	2
(ix) Discussed . . . . .	17
(x) Passed . . . . .	17
(xi) Withdrawn . . . . .	Nil
(xii) Negatived . . . . .	Nil
(xiii) Part-discussed . . . . .	Nil
(xiv) Discussion postponed . . . . .	Nil
(xv) Returned to the Lok Sabha with amendment/recommendation . . . . .	Nil
(xvi) Pending at the end of the Session . . . . .	14
6. PRIVATE MEMBERS' BILLS :	
(i) Pending at the commencement of the Session . . . . .	62
(ii) Introduced . . . . .	5
(iii) Laid on the Table as passed by the Lok Sabha . . . . .	Nil
(iv) Returned by the Lok Sabha with Amendment and laid on the Table . . . . .	Nil

(v) Reported by Joint Committee . . . . .	Nil
(vi) Discussed . . . . .	3
(vii) Passed . . . . .	1
(viii) Withdrawn . . . . .	Nil
(ix) Negatived . . . . .	1
(x) Circulated for eliciting opinion . . . . .	Nil
(xi) Part-discussed . . . . .	1
(xii) Discussion postponed . . . . .	Nil
(xiii) Motion for Circulation of Bill negatived . . . . .	Nil
(xiv) Reported by Select Committee . . . . .	Nil
(xv) Returned to the Lok Sabha with amendment . . . . .	1
(xvi) Pending at the end of the Session . . . . .	37

7. MOTION OF THANKS ON THE PRESIDENT'S ADDRESS :

Moved on ] . . . . .	] 23rd February, 1970.
Discussion on . . . . .	4 days (23rd, 25th, 26th February and 2nd March, 1970).
Adopted on . . . . .	2nd March, 1970.
Total time taken for discussion ] . . . . .	13 hours—30 minutes.

8. RAILWAY BUDGET (1970-71):

Laid on the Table . . . . .	23rd February, 1970.
Discussed on . . . . .	3 days (10th, 11th and 12th March, 1970) .
Total time taken for discussion ] . . . . .	10 hours—10 minutes.

9. BUDGET GENERAL (1970-71) :

Laid on the Table . . . . .	28th February, 1970.
Discussed on ] . . . . .	5 days (16th, 17th, 18th, 24th and 25th March, 1970).
Total time taken for discussion . . . . .	15 hours—20 minutes.

10. BUDGET (MANIPUR) 1970-71 :

Laid on the Table . . . . .	16th March, 1970.
Discussed on . . . . .	1 day (30th March, 1970) :
Total time taken for discussion ] . . . . .	1 hour—3 minutes.

11. THE BUDGET (WEST BENGAL) 1970-71 :

Laid on the Table . . . . .	26th March, 1970
Discussed on . . . . .	1 day (31st March, 1970)
Total time taken for discussion	3 hours—22 minutes.

12. NUMBER OF DISCUSSIONS HELD UNDER RULE 176 :

(Matters of Urgent Public Importance)

(i) Notices received . . . . .	14
(ii) Admitted . . . . .	4
(iii) Discussion held . . . . .	3

13. NUMBER OF STATEMENTS MADE UNDER RULE 180 :

(Calling attention to matters of Urgent Public Importance)

(i) Notices received . . . . .	297
(ii) Statements made by Ministers . . . . .	23

14. STATUTORY RESOLUTIONS :

(i) Notices received . . . . .	3
(ii) Admitted . . . . .	2
(iii) Noval . . . . .	2
(iv) Adopted . . . . .	Nil
(v) Negatived . . . . .	2
(vi) Withdrawn . . . . .	Nil

15. GOVERNMENT RESOLUTIONS:

(i) Notices received . . . . .	1
(ii) Admitted <sup>2</sup> . . . . .	1
(iii) Moved . . . . .	1
(iv) Adopted . . . . .	1

16. PRIVATE MEMBERS' RESOLUTIONS :

(i) Received . . . . .	8
(ii) Admitted . . . . .	8
(iii) Discussed . . . . .	2
(iv) Withdrawn . . . . .	Nil
(v) Negatived . . . . .	Nil
(vi) Adopted . . . . .	

## 17. GOVERNMENT MOTIONS :

(i) Notices received . . . . .	2
(ii) Admitted . . . . .	2
(iii) Moved . . . . .	Nil

## 18. PRIVATE MEMBERS' MOTIONS :

(i) Received . . . . .	84
(ii) Admitted . . . . .	65
(iii) Moved . . . . .	Nil

## 19. MOTIONS REGARDING MODIFICATIONS OF STATUTORY RULES :

(i) Received . . . . .	Nil
(ii) Admitted . . . . .	Nil
(iii) Moved . . . . .	Nil
(iv) Adopted . . . . .	Nil
(v) Negatived . . . . .	Nil
(vi) Withdrawn . . . . .	Nil

## 20. TOTAL NO. OF VISITORS' PASSES ISSUED DURING THE SESSIONS.—3963.

## 21. MAXIMUM NO. OF VISITORS' PASSES ISSUED ON ANY SINGLE DATE—311 (17-3-1970)

## 22. TOTAL NO. OF QUESTIONS ADMITTED :

(i) Starred . . . . .	682
(ii) Unstarred . . . . .	1643 (including starred questions converted as unstarred questions)
(iii) Short Notice Questions . . . . .	5

## 23. HALF-AN-HOUR DISCUSSIONS HELD . . . . . 2

## 24. NUMBER OF REPORTS OF VARIOUS PARLIAMENTARY COMMITTEES PRESENTED TO RAJYA SABHA :

(i) Public Accounts Committee . . . . .	14
(ii) Committee on Public Undertakings . . . . .	6
(iii) Committee on the Welfare of the Scheduled Castes and Scheduled Tribes . . . . .	2
(iv) Joint Committee on Offices of Profit . . . . .	Nil

25. PETITIONS PRESENTED . . . . .	1
26. NO. OF NEW MEMBERS SWORN IN WITH]	
DATES . . . . .	1 (23-2-70)
	1 (3-3-70)
	76 (3-3-70)
	3 (4-4-70)

(ii) *Seventy-Second Session* ■

1. PERIOD OF SESSION . . . . .	27th April to 23rd May, 1970.
2. NUMBER OF MEETINGS HELD . . . . .	20
3. TOTAL NO. OF SITTING HOURS . . . . .	121 hours and 57 minutes.
4. NO. OF DIVISIONS HELD . . . . .	2
5. GOVERNMENT BILLS <sup>1</sup>	
(i) Pending at the commencement of the Session . . . . .	14
(ii) Introduced ] . . . . .	3
(iii) Laid on the Table as passed by the Lok Sabha . . . . .	7
(iv) Returned by the Lok Sabha with amendment and laid on the Table . . . . .	4
(v) Referred to Select Committee . . . . .	Nil
(vi) Referred to Joint Committee . . . . .	Nil
(vii) Reported by select Committee . . . . .	Nil
(viii) Reported by Joint Committee . . . . .	Nil
(ix) Discussed . . . . .	9
(x) Passed . . . . .	8
(xi) Withdrawn . . . . .	1
(xii) Negatived . . . . .	Nil
(xiii) Part discussed . . . . .	Nil
(xiv) Discussion postponed . . . . .	1
(xv) Returned to the Lok Sabha with amendment/recommendation . . . . .	2
(xvi) Pending at the end of the Session . . . . .	13

## 6. PRIVATE MEMBERS' BILLS :

(i) Pending at the commencement of the Session . . . . .	37
(ii) Introduced . . . . .	5
(iii) Laid on the Table as passed by the Lok Sabha . . . . .	Nil
(iv) Returned by the Lok Sabha with amendment and laid on the Table . . . . .	Nil
(v) Reported by Joint Committee . . . . .	Nil
(vi) Discussed . . . . .	1
(vii) Passed . . . . .	Nil
(viii) Withdrawn . . . . .	Nil
(ix) Negatived . . . . .	Nil
(x) Circulated for eliciting opinion . . . . .	Nil
(xi) Part-discussed . . . . .	1
(xii) Discussion postponed . . . . .	Nil
(xiii) Motion for circulation of bill negatived . . . . .	Nil
(xiv) Reported by Select Committee . . . . .	Nil
(xv) Returned to the Lok Sabha with amendment . . . . .	Nil
(xvi) Pending at the end of the Session . . . . .	42

## 7. DISCUSSIONS ON THE WORKING OF THE MINISTRIES, OF THE GOVERNMENT OF INDIA :

(i) Notices received . . . . .	6
(ii) Admitted . . . . .	6
(iii) Discussed . . . . .	4

## 8. NUMBER OF DISCUSSIONS HELD UNDER RULE 176

(Matters of Urgent Public Importance)

(i) Notices received . . . . .	47
(ii) Admitted . . . . .	4
(iii) Discussion held . . . . .	3

## 9. NUMBER OF STATEMENTS MADE UNDER RULE 180 :

(Calling attention to matters of urgent public importance)

(i) Notices received . . . . .	294
(ii) Statements made by Ministers . . . . .	16

## 10. STATUTORY RESOLUTIONS

(i) Notices received	Nil.
(ii) Admitted	Nil.
(iii) Moved	Nil.
(iv) Adopted	Nil.
(v) Negatived	Nil.
(vi) Withdrawn	Nil.

## 11. GOVERNMENT RESOLUTIONS :

(i) Notices received	1
(ii) Admitted	1
(iii) Moved	1
(iv) Adopted	1

## 12. PRIVATE MEMBERS' RESOLUTIONS :

(i) Received	7
(ii) Admitted	7
(iii) Discussed	1
(iv) Withdrawn	1
(v) Negatived	Nil.
(vi) Adopted	Nil.

## 13. GOVERNMENT MOTIONS :

(i) Notices received	2
(ii) Admitted	2
(iii) Moved	Nil.

## 14. PRIVATE MEMBERS' MOTIONS:

(i) Received	53
(ii) Admitted	43
(iii) Moved	1
(iv) Adopted	1

## 15. MOTIONS REGARDING MODIFICATIONS OF STATUTORY RULES :

(i) Received	Nil.
(ii) Adopted	Nil.
(iii) Moved	Nil.
(iv) Negatived	Nil.
(v) Withdrawn	Nil.

16. TOTAL NO. OF VISITORS' PASSES ISSUED DURING THE SESSION . . . 3666
17. MAXIMUM NO. OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY WITH DATE. 336 (23-5-1970)
18. TOTAL NO. OF QUESTIONS ADMITTED :
- (i) Starred . . . . . 514
- (ii) Unstarred . . . . . 984 (including starred questions converted as Unstarred Questions.)
- (iii) Short Notice Questions . . . . . 1
19. HALF-AN-HOUR DISCUSSIONS HELD . . . 3
20. NUMBER OF REPORTS OF VARIOUS PARLIAMENTARY COMMITTEES PRESENTED TO THE RAJYA SARHA :
- (i) Public Accounts Committee . . . . . 25
- (ii) Committee on Public Undertakings 12
- (iii) Committee on the Welfare of the Scheduled Castes and Scheduled Tribes . . . . . Nil.
- (iv) Joint Committee of Offices of Profit . . . . . 1
21. PETITIONS PRESENTED . . . . . Nil.
22. NO. OF NEW MEMBERS SWORN IN WITH DATES . . . . . 2 (27-4-1970)



## STATES

### (i) Jammu and Kashmir Legislative Council

#### *Summoning and Prorogation*

The Jammu and Kashmir Legislative Council was summoned by an order of the Governor to meet on the 26th of February, 1970 and was subsequently prorogued on the 14th of March, 1970.

#### *Governor's Address*

The Governor addressed both the Houses of the Jammu and Kashmir Legislature under Section 53 of the Constitution of Jammu and Kashmir on 26th of February, 1970. There was general discussion on the Address of the Governor on 28th February, 2nd and 3rd March, 1970.

#### *Annual Financial Statement*

The Annual Financial Statement for the year 1970-71 was presented to the House on the 7th of March, 1970. There was general discussion on the budget for three days *i.e.*, the 10th, 11th and 12th March, 1970.

#### *Starred and Unstarred Questions*

Notices of 227 Starred Questions were received, admitted and replied to in the House. Written replies to 51 Unstarred Questions were laid on the Table of the House.

### (ii) The Kerala Legislative Assembly First Session, 1970

#### PART—I

The First Session in 1970 of the Kerala Legislative Assembly commenced at 5 p.m. on January 9, 1970 with the Governor's Address. During the Session the Assembly met for 14 days from January 9, 1970 to January 30, 1970.

The Motion of Thanks to the Governor's Address was adopted by the Assembly on January 16, 1970 after three days discussion on the motion. The Governor's reply to the Motion of Thanks was reported to the Assembly on January 20, 1970.

#### *Questions*

Out of 1454 questions received from the Members 955 were admitted. Of these, answers were orally given or laid on the Table of 616 questions.

*Question of Privilege*

The Speaker referred to the Committee of Privileges under Rule 153 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly for examination and report to him a question of alleged breach of privilege against Shri C. Achutha Menon, Chief Minister (given notice by Shri E. M. S. Nambudiripad) based on a letter addressed to Shri E.M.S. Nambudiripad and which was published in the "Janayugom" daily dated December 5, 1969.

*Adjournment Motion*

Notices for twelve adjournment motions were received, but none was admitted.

*Calling attention to matters of urgent public importance*

Seven notices under Rule 61 calling attention to matters of urgent public importance were admitted. The Ministers concerned made brief statements in regard thereto.

*Financial Business*

On January 16, 1970 Shri N. K. Seshan, Minister for Finance laid on the Table the Supplementary Financial Statement for the year 1969-70.

On January 27, 1970, the Assembly discussed and voted Supplementary Grants for 1969-70 amounting in the aggregate to Rs. 50,03,100/-. The Kerala Appropriation Bill, 1970 was introduced and passed on January 30, 1970.

*Non-Official Resolutions*

The Assembly discussed three non-official resolutions of which the resolution tabled by Shri N. I. Devassykutty requesting the Government to move the Central Government for the inclusion of the Kerala Land Reforms (Amendment) Act 1969 in the 9th schedule of the Constitution was adopted by the House. The other two resolutions were put to vote and lost.

*Government Resolution*

The following resolution under Article 368 of the Constitution of India moved by Shri C. H. Mohammed Koya, Minister for Education and Home (on behalf of the Chief Minister) on January 21, 1970 was unanimously adopted:

"That this House ratifies the amendments to the Constitution of India falling within the purview of the proviso to Article

368 thereof, proposed to be made by the Constitution (Twenty third Amendment) Bill, 1969 as passed by both Houses of Parliament".

#### *Presentation of Petition*

On January 28, 1970, Shri P. P. George presented a petition from the President and Secretary of "Chalakydy Taluk Roopikarana Committee" requesting the Government for the formation of Chalakydy Taluk. The petition was referred to the Committee on Petitions.

#### *Suspension of Members*

On January 29, 1970, some members of the Opposition demanded a discussion on an adjournment motion. The Speaker after hearing the Minister concerned, had earlier withheld his consent to discuss the motion. Thereafter those members persisted in obstructing the proceedings of the House disregarding the authority of the Chair. The Speaker announced the suspension of five members from the service of the House for the remaining sittings of the First Session of the Assembly for their persistent and wilful obstruction of the business of the House and for being guilty of gross disorderly conduct. Since there was grave disorder even afterwards the Speaker adjourned the House for the rest of the day.

When the Assembly met the next day the Leader of the House moved a resolution strongly condemning the conduct of some of the members of the Opposition. The resolution was unanimously adopted by the House [The members of the Communist Party of India (Marxist) did not attend the meeting]. The Leader of the House also suggested to constitute a Special Committee to formulate suitable preventive measures against the recurrence of the incidents that happened in the House on the previous day. The suggestion was accepted by the House.\*

In pursuance of the decision of the House, the Speaker constituted the special committee on February 3, 1970 consisting of 13 members including the leaders of all parties.

The House was adjourned *sine die* on January 30, 1970.

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\*The Report of the Committee was presented to the House on March 20, 1970.

## PART—II

During the Second Meeting of the First Session the Assembly met for 15 days from February 27, 1970 to March 25, 1970.

The Second Meeting of the First Session commenced at 9 a.m. on February 27, 1970. The Minister for Finance laid on the table the Supplementary Financial Statement for the year 1969-70 and presented the Budget for the year 1970-71. The Supplementary Grants for 1969-70 was discussed and voted on March 2, 1970 and the Kerala Appropriation (No. 3) Bill, 1970 in respect of the Supplementary Demands for Grants was introduced and passed on March 24, 1970.

The general discussion on the Budget for 1970-71 lasted for 3 days, viz., March 3, 4 and 5, 1970 and voting on Demands for Grants lasted for 6 days (March 9, 10, 11, 12, 17 and 24, 1970). The Kerala Appropriation (No. 3) Bill 1970 in respect of the Budget for 1970-71 was introduced and passed on March 25, 1970.

*Motion by the Leader of the House.*

The House unanimously adopted a motion moved by the Leader of the House that the suspension of five Members from the service of the House for the remaining sittings of the current session of the Assembly be terminated with effect from February 27, 1970 in the light of the decision taken by the Special Committee.

*Questions*

Out of 2798 questions received from the Members, 751 were admitted. Of these, answers were orally given or laid on the table for 305 questions.

*Calling Attention to matters of urgent public importance*

Four Notices under Rule 61 calling attention to matters of urgent Public importance were admitted. The Ministers concerned made brief statements in regard thereto.

*Motion by the Chief Minister*

On March 18, 1970, Shri C. Achutha Menon, Chief Minister stated that since certain members who had been supporting the Government were reported to have joined the Opposition, the Government did not intend to move the Demands for Grants in the Budget for 1970-71. Instead he said that he would seek a vote of confidence from the House and requested for leave to move the motion expressing confidence in

the Council of Ministers headed by him. Leave was granted. After ascertaining the sense of the House, the Speaker informed that he would allot requisite days for the discussion of the motion in consultation with the Business Advisory Committee and the Leaders of Parties and that the decision relating to the same would be announced at 12.30 p.m. The House adjourned at 09.50 a.m. and reassembled at 12.30 p.m.

When the House reassembled at 12.30 p.m. the Speaker said that there was difference of opinion at the meeting of the Business Advisory Committee even with regard to the procedure for tabling confidence motion.

As the Business Advisory Committee could not arrive at a decision, the Speaker announced that the motion would be discussed between the hours 8 a.m. and 12.50 p.m. on March 20 and between the hours 9 a.m. and 1 p.m. and 3 p.m. and 6 p.m. on March 23, 1970.

#### *Ruling by the Speaker*

On March 20, 1970 the Speaker gave his ruling on the procedure to be followed for demanding vote of confidence in the Government. He held that it was not advisable to insist on the adoption of the relatively rigid requirements laid down in the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly for moving a motion of no confidence in the case of a motion seeking vote of confidence and formulated the following procedure for the moving of confidence motion:

“The Chief Minister or a member of the Council of Ministers or the Leader of the House may at any time give notice of a motion seeking a vote of confidence in the Council of Ministers. There is no necessity to ask for leave of the House to move such a motion. The Speaker shall in consultation with the Leader of the House declare that the motion will be taken on such day, as he may appoint and shall allot a day or days for the discussion of the motion. The Speaker shall at the appointed hour on the allotted days, or as the case may be the last of the allotted days, put the question necessary to determine the discussion of the motion by the Assembly. The Speaker may if he thinks fit prescribe a time limit for speeches.”

*Motion of Confidence*

On March 20, 1970, Shri C. Achutha Menon, Chief Minister moved the following motion:—

“I move that this House expresses its confidence in the Council of Ministers headed by Shri C. Achutha Menon.”

The discussion on the motion took place as scheduled and concluded with the replies by the Ministers. The motion was then put to vote and carried.

The First Session in 1970 was prorogued by the Governor with effect from March 26, 1970.

**(iii) Madhya Pradesh Legislative Assembly**

The January—March, 1970 session of the Madhya Pradesh Vidhan Sabha (Legislative Assembly) commenced on the 7th January, 1970 and was adjourned *sine die* on the 17th January, 1970. The Assembly resumed its sittings on the 26th February, 1970 and the session was prorogued on the 18th March, 1970. 22 sittings which aggregated 107·36 hours, were held during the period. Some of the major events that took place and the actual work transacted during the session are briefly mentioned below:—

*A—Major Events**Governor's Address and Motion of Thanks*

The Governor addressed the House on the 7th January, 1970 under article 176 of the Constitution. The motion of thanks on the Governor's Address was moved in Vidhan Sabha by Shri Muniprasad Shukla on the 7th January, 1970. The debate on the motion continued for three days. A total of 25 members participated in the discussion. The Labour Minister, the Minister for Planning and Development and the Chief Minister replied to the debate on the 15th January, 1970.

After the Chief Minister's reply on the 15th January, 1970 the motion was put to vote and adopted. All the amendments to the motion of thanks were rejected by voice vote.

*Legislative Business*

Twenty Government Bills were introduced in the said session out of which 16 Bills sought replacement of the ordinances promulgated during the inter-session period.

*Motion of No-Confidence in the Council of Ministers.*

The Jan Sangh, Lok Sewak Dal and the S.S.P. had jointly sponsored a no-confidence motion against the Congress Ministry headed by Shri Shyama Charan Shukla. The motion was debated and eventually rejected by voice vote by the Assembly on the 16th January, 1970.

*Ratification of the Constitution Amendment Bill.*

On 16th January, 1970 the Law Minister, Shri Krishnapal Singh, moved a resolution in the State Assembly for the ratification of the Constitution (Twenty third amendment) Bill, 1969 as passed by both the Houses of Parliament. The Resolution was unanimously adopted the same day.

*Financial Business*

The Finance Minister, Pandit K. L. Dubey presented the Budget estimates for 1970-71 and supplementary estimates for 1969-70 on the 27th February, 1970. The supplementary estimates were voted by the Vidhan Sabha on the 3rd March, 1970. The General discussion on the Budget Estimates for the 1970-71 took place for 3 days. 31 Members participated in the discussion. The debate on Demands for Grants took place for 6 days. Sixty one members participated in the discussion in voting of Demands. Notice of 1542 cut motions were received out of which 153 were disallowed by the Speaker. All the cut motions which were moved on the Demand for Grants were negated and the Demands were voted by the House. Out of 58 Demands included in the Budget, 28 were guillotined and were voted on the 17th March, 1970.

*Discussion of the Situation arising out of hailstorms and drought in the State.*

On the 11th and 12th March, 1970, Vidhan Sabha sat for extra two hours on each day to discuss the situation arising out of hailstorms and drought in the State and the wide-spread damages caused to the crops by it. The discussion was initiated by Shri V. S. Pradhan (J.S.) Leader of the Opposition. The debate cut across the party-line and every member voiced deep concern at the wide-spread and extensive damage caused by the natural calamity. A total of twenty nine members participated in the discussion. Shri Kedarath Rawat, Minister of State for Revenue replied to the debate on the 12th March, 1970.

*Consideration of Report of the Committee on Privileges.*

(i) The House considered and adopted the Eighth, Ninth and Tenth Report of the Committee on Privileges on 16th January, 1970 and authorised the Speaker to proceed with the implementation of the recommendations contained in the said Reports regarding the Reprimand of Shri Dwarkaprasad Agarwal Editor, Printer and Publisher of "Danik Bhaskar" Bhopal, Shri Jeewan Das Gupta, Editor, "ATOM", Jabalpur and Shri Raghubar Dayal, author of "TATHAKATHIT-TATPATTI PRAKARAN".

(ii) Twelfth Report of the Committee on Privileges was adopted by the House on the 17th January, 1970.

*Reprimand by Speaker.*

The Speaker reprimanded the following on the dates noted against each consequent upon the adoption of the Eighth, Ninth and Tenth Report of the Committee on Privileges by the House on the 16th January, 1970:—

- (1) Shri Dwarkaprasad Agarwal, Editor, Printer and Publisher of "Danik Bhaskar" Bhopal ; 27th February, 1970
- (2) Shri Jeewan Das Gupta, Editor "ATOM" Jabalpur ; 27th February, 1970
- (3) Shri Raghubar Dayal, Author of "TATHAKATHIT TAT PATTI PRAKARAN" 16th March, 1970

*Privilege issues throwing of leaflets and shouting of slogans from the Visitors' Gallery.*

(i) On the 7th January, 1970 at about 11.30 a.m. during the Governor's Address some persons threw leaflets from the Visitors's Gallery and shouted slogans. They were immediately taken into custody by the Security Officer under orders of the Speaker.

On the motion moved by Shri Ramkishore Shukla, Chairman, Committee on Privileges, the persons concerned were sentenced to simple imprisonment for various days.

(ii) On the 17th January, 1970 at about 4.25 p.m. during the discussion on the Madhya Pradesh Public Security (Amendment) Bill, 1970 (No. 2, 1970) a person shouted slogans from the Visitors' gallery. He was taken into custody by Security Officer under orders of the Speaker. On the motion moved by the Chairman, Committee on Privileges, he was sentenced to simple imprisonment till the termination of the day's meeting.



(iii) On the 2nd March, 1970 at about 4:50 p.m. a person shouted slogans from the Distinguished Visitors' Gallery and threw leaflets and jumped upon the floor of the House. He was immediately taken into custody by the security Officer under orders of the Speaker.

On a motion moved by the Chairman, Committee on Privileges on the same day, he was sentenced to simple imprisonment till the prorogation of the session and was sent to Central Jail.

#### B. WORK TRANSACTED

PERIOD OF THE SESSION . 7th January, to 17th January, 1970  
26th February, to 18th March, 1970

NUMBER OF MEETINGS HELD . 22 days

DURATION . 32 days.

#### GOVERNMENT BILLS

(i) Introduced . . . . .	20
(ii) Referred to Select Committee . . . . .	Nil
(iii) Reported by Select Committee . . . . .	Nil
(iv) Discussed . . . . .	20
(v) Passed . . . . .	20
(vi) Withdrawn . . . . .	Nil
(vii) Discussion postponed . . . . .	Nil

#### PRIVATE MEMBERS BILLS :

(i) Pending at the commencement of the session . . . . .	5
(ii) Introduced . . . . .	2
(iii) Discussed . . . . .	6
(iv) Passed . . . . .	Nil
(v) Withdrawn . . . . .	1
(vi) Negatived . . . . .	5
(vii) Discussion Postponed . . . . .	..
(viii) Pending at the end of the session . . . . .	1

#### ADJOURNMENT MOTIONS :

Notice received . . . . .	47
Passed and discussed . . . . .	Nil
Rejected . . . . .	47

## CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE :

Notice received . . . . .	110
Admitted . . . . .	11
Rejected . . . . .	99

## STATUTORY RESOLUTION :

(i) Notices received . . . . .	3
(ii) Adopted . . . . .	Nil
(iii) Moved . . . . .	Nil

## QUESTIONS :

(1) Notices received . . . . .	3208
Answered orally in the House . . . . .	135
(2) Admitted	
(i) Starred . . . . .	1381
(ii) Unstarred . . . . .	773
(3) Short Notice Questions	
(i) Notices received . . . . .	28
(ii) Replied . . . . .	Nil

## HALF AN HOUR DISCUSSION HELD—UNDER RULE 52 :

Notices received . . . . .	10
Discussed . . . . .	Nil

## DISCUSSION ON MATTERS OF PUBLIC INTEREST—UNDER RULE 130 :

Notices received . . . . .	1
Discussed . . . . .	Nil

## PRIVATE MEMBERS' RESOLUTION :

Received . . . . .	96
Discussed . . . . .	3
Adopted . . . . .	Nil

## NUMBER OF REPORTS OF VARIOUS PARLIAMENTARY COMMITTEES PRESENTED TO THE VIDHAN SABHA :

(i) Estimates Committee . . . . .	2 (fifth & sixth)
(ii) Public Accounts Committee . . . . .	1 (sixteenth)
(iii) Business Advisory Committee . . . . .	3
(iv) Committee on Delegated Legislation . . . . .	1 (seventh)
(v) Committee on Petitions . . . . .	1 (fifth)

- |  |   |                      |
|--|---|----------------------|
| (vi) Committee on Private Members' Bills and Resolutions . . . . . | 2 | Eleventh & twelfth)  |
| (vii) Committee on Privileges . . . . .                            | 2 | (Eleventh & twelfth) |
| (viii) Committee on Government Assurances . . . . .                | 1 | (fourth Report)      |

(iv) **Maharashtra Legislative Council**

The Winter Session of the Maharashtra Legislative Council was held at Nagpur from the 17th November, 1969 to the 19th December, 1969, with a short recess from the 29th November, 1969 to the 8th December, 1969. Eighteen sittings which aggregated to 67 hours and 12 minutes were held during the period. Some of the major events that took place, are briefly mentioned below.

*Point of Order regarding the right of a Minister of State to participate in the proceedings of the House.*

On the 18th November, the Chairman called the first question on the day's list. When Shri D. S. Jagtap, Minister of State rose to reply, Shri R. F. Chaudhari raised a point of order. He said that as per the provisions in the rules of business of the House, the Minister concerned should reply to a question.

According to Shri Choudhari, Ministers included Cabinet Ministers, Deputy Ministers and Parliamentary Secretaries. There is no mention of Ministers of State anywhere and therefore, he contended, that the Minister of State cannot reply to the question.

The Chairman gave his ruling by taking into consideration the practice followed in the Lok Sabha and in the British House of Commons. He referred to the relevant Articles of the Constitution such as 163, 164, 166 (3), 177. He explained the scope of the rule regarding this particular matter.

He observed that from the Constitutional point of view, a Cabinet Minister, a Minister not in the Cabinet, a Minister of State, a Deputy Minister or even a Parliamentary Secretary are all one and the same and they have the same rights and privileges in regard to their duties in the Legislature provided they fulfil certain conditions with regard to their appointment under the Constitution. And, therefore, he ruled, that a Minister of State has every right to reply to the question and to participate in the proceedings of the House.

*Motion for adjournment of the debate.*

On the 19th November, 1969 when the House was discussing a Bill further to amend the Bombay Municipal Corporation Act, Shri D. B. Tamhane moved that the discussion on the Bill be adjourned as the Minister incharge had not supplied adequate and necessary information to the House. The Minister opposed it and the motion had to be put to vote. A division was claimed and the motion was lost. There was considerable discussion on the information sought and the Chairman agreed that the Members had the right to ask for the necessary information and further, it was the duty of the Government to furnish the necessary information.

*The House can discuss and pass a Bill even if a period of three months has elapsed after it has been laid before the House.*

On the 20th November, when the House took up the discussion on a Bill to amend the Maharashtra (Vidarbha Region) Agricultural Debtors Relief Act 1969, a point of order was raised by Shri V. G. Hande, contending that the Bill before the House was transmitted to the Upper House by the Lower House on the 20th August, 1969. The Upper House should have passed the Bill within a period of three months, which expired on the 19th November. He, therefore, observed that the discussion on the Bill would be infructuous and the Act will be invalid. There was considerable discussion on this point. Ruling out the point of order, the Chairman observed that the constitutional provision in this regard was meant to act as a safeguard if the Lower House felt that the Upper House was deliberately trying to obstruct the passage of Bill, passed by it. It was left to the Lower House to initiate action in the matter. In this case, it would be sufficient if the Member-in-charge of the Bill, i.e., the Minister assures this House that he would not move the Bill again in the Lower House. Since the Minister had given this assurance, there was no fear that the discussion and the passing of the Bill would be infructuous.

*Ministers' Salaries.*

On the 28th November, the House passed the following three Bills:—

- 1.—A Bill to increase the Salaries and Allowances of the Ministers.
- 2.—A Bill to increase the Salaries and Allowances of the Presiding Officers.

3.—A Bill to increase the Salaries and Allowances of the Members.

A Bill to provide for a salary to the Leader of the Opposition in the Lower House was also passed by the Council on 16th December.

*Procedure regarding Breach of Privilege.*

On the 17th December, the House unanimously passed a resolution introduced by Shri S. B. Chavan, Minister for Legislative Affairs and regarding the procedure in cases of breach of privilege\*.

*Amendments to the Constitution ratified.*

On the 19th December, Shri S. B. Chavan, Minister for Legislative Affairs moved the Constitution (Twenty-third Amendment) Bill, 1969, as passed by the Parliament, for extending the period by ten years for the reservation of seats for Scheduled Castes and Tribes for the approval of the House. After detailed discussion the Bill was passed.

(v) **Maharashtra Legislative Assembly**

The ninth session of the Fourth Maharashtra Legislative Assembly was held at Nagpur from the 17th November, 1969 to the 20th December, 1969. In all, twenty four sittings, which aggregated to 120 hours and 45 minutes were held during the period. Some of the major events that took place, are briefly mentioned below.

*Condolatory References.*

On the first day, *i.e.*, 17th November, the Assembly adjourned without transacting any business as a mark of respect to the memory of the Late Dr. P. V. Cherian, Governor of Maharashtra. Shri V. P. Naik, the Chief Minister, moved the condolence resolution and paid glowing tributes to Dr. Cherian, recalling his services to the State. Shri K. N. Dhulup, Leader of the Opposition, Shri S. D. More, Shri R. K. Mhalgi and Shri K. B. Shringare spoke on the resolution. All of them paid handsome tributes to Dr. Cherian and eulogised his services to Maharashtra. The Speaker Shri T. S. Bharde, associated himself with the sentiments expressed in the House.

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\*Similar to the and passed in the Assembly on 18th December

On the 18th November, the House observed two minutes silence as a mark of respect to the memory of the following members :

1. Shri V. A. Gadkari, 2. Shri B. R. Rane, 3. Shri Syed Dadamiya Syed Ibrahim.

On the 25th November, the House observed two minutes silence as a mark of respect to the memory of Shri Shanti Virappa Basappa Baswanti, a former member.

*Point of Order regarding the participation in the proceeding by Minister of State.*

On the 18th November when the Speaker called the first question on the day's list Shri K. P. Patil, Minister of State rose to reply. Shri R. K. Mhalgi, raising a point of order said that the question was addressed to the Chief Minister and it should be replied by him or the Deputy Minister, as there was no provision in the Rules of Business for a Minister of State to reply to a question. He further contended that the Speaker can give direction only when the matter is vague. In this case the rules are specific and, therefore, the Speaker cannot make use of his powers of regulating the detailed working of the House.

The Speaker gave his ruling by taking into consideration the practice followed in the Lok Sabha and in the British House of Commons. He referred to relevant Articles of the Constitution such as 164(1), 166(3), 177. He explained the scope of the rule regarding this particular matter. He also pointed out the essential conditions that are required to be fulfilled by any member of the Council of Ministers. He observed that from the constitutional point of view a Cabinet Minister, a Minister not in the Cabinet, a Minister of State, a Deputy Minister or even a Parliamentary Secretary are one and the same and they have the same rights and privileges in regard to their duties in the Legislature, provided they fulfilled the required conditions. He, therefore, ruled that a Minister of State has every right to reply to the question and to take part in the proceedings of the House.

*Introduction of New Ministers.*

On the 18th November the Chief Minister Shri V. P. Naik introduced to the House the new Ministers of State and the Deputy Ministers recently included in the Council of Ministers, viz., Sarvashri E. B. Nimbalkar, Shivajirao Patil, A. R. Antulay, T. D. Deshmukh (Parvekar), R. J. Deotale and Wamanrao Nayak.

*A member has a right to vote against his own resolution if the House denies permission to withdraw the resolution.*

On November 21, when a non-official resolution was put to vote and division demanded on it, an interesting point of order was raised as to whether the mover of the resolution himself can vote against his own resolution.

The Speaker gave his ruling that the Member had expressed his intention to withdraw the resolution. The House had, however, not granted him leave to withdraw it. As the Member's intention was to withdraw the resolution, he had every right to cast his vote in the manner he liked.

*Salaries and Allowances of Ministers, Presiding Officers and Members.*

On the 27th November the House passed 3 Bills which sought to enhance the salaries and allowances of Ministers, Presiding Officers and Members respectively.

The first Bill regarding the salaries and allowances of Ministers provided for a three tier system of Ministers, viz., Ministers, Ministers of State and Deputy Ministers. The Salaries of the Ministers were raised to Rs. 1400 p.m. from Rs. 1100 p.m. The Salaries of the Deputy Ministers were raised to Rs. 1000 p.m. from Rs. 750 p.m. The Ministers of State would get a salary of Rs. 1200 p.m.

The second Bill regarding the Salaries of the Presiding Officers provided for a salary of Rs. 1400 p.m. to the Chairman and the Speaker respectively and Rs. 1200 p.m. to the Deputy Chairman and the Deputy Speaker respectively.

Both the Bills also provide the services of a Chauffeur free of charge to the dignitaries concerned.

The Third Bill sought to revise upwards the salaries and the consolidated allowances of the Members from Rs. 250 p.m. to Rs. 300 p.m. and Rs. 150 p.m. to Rs. 200 p.m. respectively. It also sought to increase the daily allowance payable to Members from Rs. 21 per day to Rs 30 per day.

*Amenities for the Leader of the Opposition (Assembly).*

On the 1st December the House passed a Bill which gives almost of the same amenities to the Leader of the Opposition in the Lower House as were available to the Ministers. According to the provisions of the Bill, the Leader of the Opposition (Lower House) would get a salary of Rs. 1400 p.m.; free accommodation; Rs. 400 as car allowance and staff for his office.

The Finance Minister who moved the Bill said that the Government would endeavour to make available the same amenities to the Leader of the Opposition in the Upper House after considering the constitutional aspects of the case.

The Bill was generally appreciated and was passed unanimously.

*Bill regarding Prevention of Pollution of Water.*

On the 3rd December the House passed the L.A. Bill XXIV of 1969 regarding Prevention of Pollution of Water as reported by the Joint Select Committee.

*Pamphlets thrown in the House from the Visitors' Gallery.*

On the 16th December, while discussion on L.A. Bill No. XCIII of 1969 (A Bill to amend the Bombay Village Panchayat Act 1958) was in progress, pamphlets demanding separate Vidarbha State were thrown in the House at about 3.30 p.m. from the Visitors' Gallery and slogans demanding separate Vidarbha State were shouted. The security guards arrested the persons concerned and kept them in the custody. Later, Shri S. B. Chavan, Minister for Legislative Affairs moved the following resolution which was passed.

“This House do resolve that the persons named below committed to prison for a period of seven days for their grossly disorderly behaviour in shouting slogans and throwing leaflets from the Visitors' Gallery on the 16th December 1969 at about 3.30 p.m., while the House was sitting and thereby committing a breach of privilege and contempt of the House.

1. Shri Gunwantrao Narayanrao Nagpure
2. Shri Chandrakant Sitaram Todkar
3. Shri Saif Yusuf Saif Ismal.”

*Breach of Privilege (Procedure).*

On the 18th December, Shri S. B. Chavan, Minister for Legislative Affairs moved the following resolution which was passed by the House.

“This House resolves that if a member, officer or servant of the other House or another Legislature in India is involved in a case of contempt or an alleged breach of privilege of this House, the Speaker shall refer the matter to the Presiding Officer of that House, unless on hearing the member who raises the question or perusing any document, where the complaint is based on a document, the Speaker



is satisfied that no breach of privilege has been committed or the matter is too trivial to be taken notice of, in which case he may disallow the motion for breach of privilege.

This House further resolves that when a case of contempt or an alleged breach of privilege against the other House or another Legislature in India, in which a member, officer or servant of this House is involved, is referred to this House by the Presiding Officer of the House or Legislature contemned the Speaker of this House shall deal with the matter in the same way as if it were a case of breach of privilege of this House and communicate to the Presiding Officer, who made the reference, a report about the enquiry and the action taken on the reference received."

#### *Maharashtra-Mysore Border Disputes.*

On the 18th December a discussion on the Maharashtra-Mysore Border Dispute was raised by Shri K. N. Dhulup, Leader of the Opposition and other members, urging the Government to solve the Border Dispute before the Budget Session of the Parliament.

#### *Amendment to the Constitution ratified*

On the 19th December Shri S. B. Chavan Minister for Legislative Affairs moved the following resolution:

"That this House ratifies the amendments to the Constitution of India falling within the purview of the proviso to Article 368 thereof, proposed to be made by the Constitution (Twenty-third amendment) Bill 1969, as passed by the two Houses of Parliament."

A point of order was raised by Shri K. S. Dhondge, stating that the copies of the Bill were received by the Members very late. He urged that discussion be postponed to the next day. The Speaker explained that the discussion on the Bill was taken up in accordance with the recommendations of the Business Advisory Committee. He agreed that the copies of the Bill might have been received late by the Members, but he felt that this should not prevent the House from discussing the Bill. Some of the Members staged a walk out.

The discussion, however, was resumed. The motion for ratification was passed the next day *i.e.* on the 20th December.

**(vi) Nagaland Legislative Assembly***Third Session*

The Third Session of the Nagaland Legislative Assembly was held from 4 to 13 December, 1969. There were seven sittings of the Assembly.

*Questions*

Out of 278 Notices of Questions received, 217 were admitted and 216 were replied to.

*Half-an-Hour Discussions*

Two Half-an-Hour discussions were held. One of them related to the staff set-up in NST Workshop at Dimapur and the other pertained to the Assam-Nagaland Boundary settlement.

*Fourth Session*

The Fourth Session of Nagaland Legislative Assembly was held for only one day on the 13th January, 1970 at which the only business transacted was ratification of the Constitution (Twenty third Amendment) Bill. Being the first Session of the year, the Governor addressed the Assembly as required under Article 176 of the Constitution.

**(vii) Rajasthan Legislative Assembly**

The sixth session of the fourth Rajasthan Legislative Assembly was held from January 15 to 29, 1970. There were nine sittings of the Assembly.

*Governor's Address*

The Governor of Rajasthan addressed the Assembly on January 15, 1970. The Motion of Thanks to Governor's Address was moved on January 21, 1970 and was discussed on January 21, 27, 28 and 29, 1970 in which 22 members took part. It was adopted on January 29, 1970 after a reply to the debate by the Chief Minister.

*Questions*

228 Starred Questions and 255 Unstarred Questions were included in the Question Lists.

### *Adjournment Motions*

An adjournment motion regarding the death of some persons due to the police firing on January 7, 1970 in Bhadra and Sangaria towns in Ganganagar District of Rajasthan was discussed in the House on January 16 and 19, 1970, in which 13 members took part. The Chief Minister, Shri Mohan Lal Sukhadia, replied to the debate.

Notices of 22 adjournment motions on other subjects were also received but consent was not given to the raising of these matters through adjournment motions in the House.

### *Calling attention on matters of Urgent Public Importance*

Certain members drew the attention of the Ministers to matters of urgent public importance which related to: (i) elections to Municipalities and Panchayats, (ii) situation arising out of flu epidemic; (iii) strike in Savai Modhopur Cement factory, and (iv) establishment of Leather Industry in Tonk. Ministers concerned made statements in the House in regard to these matters.

### *Statement by Chief Minister*

While announcing certain concessions for the farmers, the Chief Minister, Shri Mohan Lal Sukhadia, made a statement in the House on January 21, 1970. He proposed the setting up of a Committee of Members to look into the matters relating to landless farmers and to report to the House.

### *Bills Introduced and Withdrawn*

During the Session, six Bills were introduced and two were withdrawn.

### *Government Resolution*

On January 20, 1970, the Law Minister, Shri Baraktulla Khan, moved the following Resolution, which was adopted by the House:

"That this House ratifies the amendments to the Constitution of India falling within the purview of the proviso to Article 368 thereof, proposed to be made by the Constitution (Twenty-third Amendment) Bill, 1969 as passed by both Houses of Parliament."

*Motion for Suspension of a Member from House*

On January 20, 1970, the Rajasthan State Minister, Shri Hiralal Devpur made a statement regarding the Churu police firing. While the Home Minister, Shri Damodar Lal Vyas, was making a clarificatory statements regarding the questions put by certain members, a member, (Shri Ramchandra Arya) got excited and there was disorder in the House. As a result, the Speaker suspended the business of the House for some time.

When the House resumed its business again, the Chief Minister, Shri Mohan Lal Sukhadia, moved a motion for the suspension of the Member concerned from the House for the rest of the Session. However, the Chief Minister withdrew the motion, after the Member had expressed regrets and apologised to the Chair for his behaviour.

**(viii) The Tamil Nadu Legislative Assembly**

The sixth Session of the Fourth Tamil Nadu Legislative Assembly commenced on August 14, 1969. The Assembly met from August 14 to August 28 and again from September 11 to September 13, 1969.

On August 14, 1969, a Condolence Resolution on the demise of the Late President, Dr. Zakir Husain, was moved in the House and was adopted.

*Questions*

During the period under review 302 Starred Questions and 4 Short Notice Questions were answered on the floor of the House. Answers to forty-four Unstarred Questions were laid on the Table of the House.

*Adjournment Motions*

15 Notices of Motions for Adjournment of the Business of the House were given, and the Speaker withheld his consent to raise any of them.

### *Calling Attention Notices*

Fifteen statements were made by the Ministers on their attention being called by the Members under Rule 41 of the Assembly Rules to matters of urgent public importance. Four Statements were also made under Rule 82 of the Assembly Rules. They pertained to water supply position in Madras city, Coimbatore and Madurai towns, allocation of funds by the Finance Commission, and grievances of Engineering College students.

### *Bills passed*

Sixteen Bills were introduced, considered and passed by the Assembly.

### *Resolutions*

Three Government Resolutions were moved and adopted. One of them related to the disclosure of assets by the Members of both the Houses of the Legislature including the Ministers and Presiding Officers at regular intervals. This Resolution was deemed to have retrospective effect from March 6, 1967.

Three non-official Resolutions were also taken up for discussion. One of them, which was partly discussed, dealt with the Centre-State relations in the following form:

“This House recommends to the Government to urge upon the Union Government to amend the Constitution so as to prevent the accumulation of more and more powers at the Centre and to decentralise powers to achieve State autonomy”.

### *Discussion on State's Fourth Five-Year Plan*

A discussion on the Motion regarding the Draft Outline of the Fourth Five-Year Plan of Tamil Nadu was held on August 22, 25 and 26, 1969. By an Amendment to the Motion, it was, *inter alia* urged that the Centre should increase the Plan assistance to the State Government, implement the Central Sector projects like Salem Steel Plant, Sethu Samudram Project, Kalpakkam Atomic Energy Plant, etc., and accord early approval for the setting up of a Fertilizer Project at Tuticorin and a Petro-Chemical Complex at Manali.

The above amendment was adopted unanimously with slight modifications.

**(ix) Uttar Pradesh Legislative Council**

The first session of the Uttar Pradesh Legislative Council was held from February 26, 1970 to March 21, 1970. There were 13 sittings of the Council.

*Governor's Address*

The Governor of Uttar Pradesh addressed both the Houses of Legislature on February 26, 1970. A general discussion on the Governor's Address was held on February 27, and March 2, 4, 5 and 9, 1970.

*Questions*

During the period under review, 1,578 Notices of Starred Questions, 71 of Unstarred Questions, and 38 of Short Notice Questions were received. Out of these, 1212 Starred, 71 Unstarred and 8 Short Notice Questions were admitted for answer.

*Privilege Issues*

Six cases of alleged breach of privilege were raised in the House. As no *prima facie* case was made out, five of these privileges issues were disallowed by the Chairman.

In the sixth case, a question of privilege was raised against the Railway authorities for their failure to provide to the Chairman U.P. Legislative Council, reserved accommodation on the railway on March 1, 1970, as a result of which, the Chairman could not attend the sitting of the Council on March 2, 1970.

The House referred the matter to the Privileges Committee for investigation and report.

*Statements by Ministers*

Some of the important statements made by the Ministers dealt with the following subjects:--

1. Situation arising in Educational institutions as a result of order issued by the Director of Education regarding the distribution of pay to the teachers.
2. Strike staged by the students of the K.G. Medical College, Lucknow.

3. Hunger strike by the employees of the Electric Supply Company, Kanpur.
4. Sudden steep rise in the prices of food stuffs and consumer goods.
5. Border dispute between Uttar Pradesh and Bihar and the situation arising out of the measures taken by the Bihar Police to prevent the farmers of U.P. from cutting their crops.

#### *Ordinances*

Twelve Ordinances were issued by the State Government.

#### *Bills Passed*

Six Government Bills were passed by the Council.

#### (x) **Goa, Daman and Diu Legislative Assembly**

The Session of the Legislative Assembly of Goa, Daman and Diu was held from February 27 to April 15, 1970. In all 29 Sittings of the Assembly were held.

#### *Legislation*

During the Session, 11 Bills were introduced out of which one was a Private Members' Bill. All the ten Government Bills were passed.

#### *Questions*

750 Notices of Starred Questions, 24 of Unstarred Questions, and 17 of Short Notice Questions were received. Out of these 561 Starred, 24 Unstarred and 10 Short Notice Questions were admitted for reply.

#### *Privilege Issues*

On March 16, 1970, during the Question Hour a person from the Visitors' Gallery got up from his seat and walked up to the Press Gallery and loudly made certain observations. The Chair ordered the removal of the person from the Gallery and the person was removed accordingly.

On the same day the Minister for Legislative Affairs moved the following motion:—

“That this House resolves that the person calling himself as Mr. Jose Saldanha who commented loudly on the proceedings of the House from the Visitors' gallery and who

was ordered by the Speaker to be removed from this House has committed a gross offence and is guilty of contempt of the House."

After some discussion on the Motion an amendment was moved by a member to the effect that the person concerned should be admonished by the Speaker.

When the House re-assembled after a short adjournment the Chair informed the House that a letter had been received from the person complained against, tendering apologies and requesting that he should be excused for what he had done.

After some discussion, the Chair directed that the contemnor be brought before the Bar of the House. The Contemnor tendered his apology to the House and expressed regrets for his behaviour. He was admonished by the Chair and allowed to withdraw.

#### (xi) Pondicherry Legislative Assembly

The Pondicherry Legislative Assembly met on January 17, 1970 and adjourned *sine die* on the same day. The Budget Session of the Assembly was held from March 25 to April 10, 1970.

##### *Lt. Governor's Address*

The Lt. Governor of Pondicherry addressed the Assembly on March 25, 1970.

The discussion on the motion of Thanks to the Address took place on March 28, 1970 and the Motion was adopted unanimously by the Assembly the same day.

##### *Presentation of Financial Statement*

The Budget for the year 1970-71 was presented to the House by the Chief Minister at 4.15 P.M. on March 25, 1970. The general discussion on the Budget was held on March 30 and 31, 1970. The voting on the Demands for Grants took place on April 1 to 4 and 6 to 9, 1970.

##### *Questions*

170 Notices of Starred Questions, 39 of Unstarred and 7 of Short Notice Questions were received, out of which 163, 38 and 7 respectively were admitted for answer.



**Government Bills**

Out of the 29 Government Bills introduced in the Assembly, 28 were passed during the period under review.

**Statement by the Chief Minister**

The Chief Minister, Shri M.O.H. Farook, made a statement on the recommendations of the Second Wage Board for the Cotton Textile Industry on April 7, 1970.

**Government Resolution**

The Chief Minister moved the following Resolution in the House on April 10, 1970.

“After the liberation of the Territory of Pondicherry, no industry in public sector under the direct control of the Central Government has been started here.

Hence, this Assembly earnestly requests the Central Government to start also in the Union Territory of Pondicherry a big industry in public sector which would function under its direct control and which can provide employment opportunities for at least 3,000 persons as it did in many States in India.”

After some discussion, the Resolution was adopted unanimously on the same day.

**Private Members' Resolutions**

Six Private Members' Resolutions were discussed in the House on April 10, 1970. All these Resolutions were withdrawn with the leave of the House by the movers after short discussions. Some of the subjects raised in these Resolutions were: Provision of land for construction of houses by Harijans; Expeditious implementation of the Official Languages Act; Erection of Memorial in honour of Shri Jawahar Lal Nehru; Enhancement of the Dearness Allowance of Government Employees, etc.

**(xii) Tripura Legislative Assembly**

The Tripura Legislative Assembly held two sessions from February 6, 1970 to February 16, 1970 and from March 18, 1970 to April 17, 1970. The latter session was the Budget Session of the Assembly.

*Lt. Governor's Address*

The Lt. Governor addressed the Assembly on March 18, 1970 and a discussion on his Address was held on March 20, 1970.

*Presentation of Budget*

The Budget Estimates for 1970-71 were presented before the House on March 20, 1970. The general discussion on the Budget took place on March 27, 30 and 31, 1970, and the Demand for Grants for various Departments were voted on April 1, 2, 3, 6, 7, 8 and 10, 1970.

*Government Bills*

During the two Sessions, 8 Government Bills were introduced and passed.

Out of these, three Bills provided for Salaries and Allowances of Ministers, Speaker and Deputy Speaker, and Members of the Legislative Assembly.

*Questions*

Notices of 670 Starred Questions were received, out of which 550 were admitted for answer. The number of Unstarred Questions was 9. In addition, Notices of 13 Short Notice Questions were also received, out of which 3 were admitted as Short Notice Questions and 8 were answered as Starred Questions.

*Motions and Resolutions*

Nine Resolutions and one Motion (both Government and Private Member's) were discussed in the Assembly. On April 10, 1970, a Resolution was passed which urged the Central Government to raise the status of the Union territory of Tripura to a full-fledged State.

*Privilege Issues*

The Speaker gave his rulings on the four cases of alleged breach of privilege. In one of them it was alleged that the Education Minister had given false statement in reply to a question of a member on the floor of the House. The Speaker ruled as follows:

My observation is that everywhere in Indian Legislature it has been ruled out by the Presiding Officers that giving of alleged false or wrong statement in reply to question, is not a breach of privilege of the House.

Besides, in examining the reply of the Minister, with reference to the documentary evidence produced by Shri Deb Barma, I am satisfied that no *prima-facie* case stands in the allegation of Shri Deb Barma, against the Education Minister. Hence, I rule out the Question of breach of privilege raised by Shri Deb Barma against the Education Minister.

In another case, it was alleged that the Editor of "*Dainik Samvad*" had committed a breach of privilege of the Speaker and the House by publishing the portion of the proceeding expunged by the Speaker and casting reflection on the Speaker and also by publishing unfaithful and untrue report of the House.

After citing authorities on privilege cases, the Speaker referred the matter to the Committee on Privileges for examination, investigation, and report to the House.

The third and fourth cases also dealt with the publication of distorted and false versions of certain proceedings of the House by certain newspapers. These cases were also referred to the Committee on Privileges of the House for examination, investigation, etc. by the Speaker.

## POLITICAL AND CONSTITUTIONAL DEVELOPMENTS IN STATES\*

[March 15—June 15, 1970]

### Andhra Pradesh

#### *Motions of No-Confidence*

Two motions of no-confidence in the Brahmananda Reddy Ministry were tabled—one by an SSP Member, Shri Badra Vishal Pitty, and another by some CPI and CPM Members jointly—on March 30. The motion by the CPI and CPM members, which was admitted by the Speaker, accused the Government of curbing civil liberties through the enactment of the Preventive Detention Act in the State and of failure to reduce the ceiling on land holdings in the State. After a discussion lasting two days, the motion was negated, on April 2—159 voting against and 62 for the motion.<sup>1</sup>

#### *Telengana Agitation*

The Telengana Praja Samiti Chairman, Shri M. Channa Reddy announced in Hyderabad on April 11 a programme of agitation for separate statehood for the Telengana region of Andhra Pradesh. The programme envisaged hunger strike for five days from April 22, followed by mass satyagraha by leaders of the Samiti for three days from May 1. On April 27, the Opposition leader in the Assembly Shri N. Ramchandra Reddy and Telengana United Front leader in the State Council Shri K. Ramchandra Reddy, along with eleven others, were sentenced to five days imprisonment for defying the prohibitory order.<sup>2</sup>

Three days later, following a demonstration which led to *lathi* charge by the police, the Chairman of the Telengana Praja Samiti and some other leaders were arrested. Shri Reddy and the General Secretary of the Samiti were, however, released later on personal bail.<sup>3</sup>

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\*This feature, prepared by the library, Reference & Information Service is based on newspaper reports and no responsibility is accepted by the Lok Sabha Secretariat for the accuracy or veracity of information or views contained therein.

<sup>1</sup> *The Hindustan Times*, March 31, and April 3, 1970.

<sup>2</sup> *The Hindu*, April 12 and 28, 1970.

<sup>3</sup> *Indian Recorder & Digest*, May 1970, p. 21.

*By-elections to the State Legislature*

The Telengana Praja Samiti won the by-election to the State Assembly from Khairatbad constituency, its candidate Shri Nagam Krishna Rao defeating his nearest rival Shri S. Yadgiri (Congress—N) by a margin of nearly 14,000 votes. The by-election, the results of which were announced on June 15, was held to fill the vacancy caused by the death of Shri B. V. Gurumoorthi.<sup>4</sup>

Earlier, Shri D. Ramagopala Reddy and Shri G. Ramchandra Reddy, both of Congress (R) were returned unopposed to the State Legislature Council from two local authorities' constituencies in Nellore District, on June 3.

**Assam**

*Motion of Censure against Minister*

The Assam Assembly witnessed an unprecedented situation when on March 31 a motion of censure was moved by a Communist member against the Minister of Co-operation, Shri L. P. Goswami, for alleged favouritism in the matter of selection of persons for the sale of Assam rice outside the State. The charges were denied by the Minister. In the din and confusion which ensued when the matter was put to vote, the Deputy Speaker had to adjourn the House for half an hour. When the House was to re-assemble, the Opposition members barred the entry of the Deputy Speaker who then left, announcing from the corridors, the adjournment of the House till the next day. Questioning the validity of this announcement from outside the Chair, the Opposition claimed that the Government had been defeated and must resign.<sup>5</sup>

*By-election to Assembly*

Shri Siba Prasad Baidya, Congress (R) nominee, won the by-election to the Assam Assembly from the Dholai (SC) constituency in Cachar district, on April 20, defeating his nearest rival, Shri S. C. Choudhary (Socialist Unity Centre) by a margin of over four thousand votes.<sup>6</sup>

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<sup>4</sup> *Indian Recorder & Digest*, June 16, 1970.

<sup>5</sup> *The Hindustan Times*, April 1, 1970.

<sup>6</sup> *Ibid*, April 21, 1970.

**Bihar***Expansion of Cabinet*

In the last three months the Bihar Council of Ministers was expanded twice—on April 23, to include Shri Sethu Hombrem, leader of the Hul Jharkand Legislature Party and, again, on June 8, to take in the Lok Tantrik Congress Leader Shri L. P. Shahi. With the addition of these two Cabinet Ministers the Daroga Prasad Rai Ministry, 24 strong, comprised 15 Cabinet Ministers and 7 Ministers of State, besides two Parliamentary Secretaries. The Lok Tantrik Congress was the eighth member in the ruling alliance, the other seven partners being Congress (R), CPI, PSP, All-India Jharkhand, Hul Jharkhand, BKD and Soshit Dal. Three of these—the CPI, PSP and BKD—as yet had no representation on the Cabinet.<sup>7</sup>

*Abolition of Council*

On April 3, the Bihar Vidhan Sabha adopted by an overwhelming majority a non-official resolution recommending the abolition of the State Legislative Council. In support of the resolution, which was moved by Shri Raj Kumar Purbey (CPI) and supported by five other members belonging to different parties, it was argued that the Upper House was a legacy of the British rule, which without serving any tangible purpose only imposed a heavy burden on the tax-payers. Moreover, it was stated, the system of nominations had been misused by the Government of the day to show patronage to undeserving persons and to provide representation to feudal and other vested interests. As many as 235, which included legislators from both sides of the House, voted in favour of the resolution, with only 3 against it. Of the three dissenting Members, two belonged to the Swatantra and one to the Lok Tantrik Congress.<sup>8</sup>

In an effort to stall the move of the Assembly, the Bihar Council adopted by voice vote on April 11 a special resolution urging Parliament that the Upper House should not be abolished in view of the constitutional provision for a second chamber in big and largely populated States. The resolution had been jointly tabled by Shri Deva Saran Sinha—Congress (R), a former Chairman of the Council, and Shri Ram Bilash Sharma. Earlier, Shri Deva Saran Sinha gave notice of another resolution recommending that the abolition of the Council

<sup>7</sup> *The Hindustan Times*, April 24, 1970.

<sup>8</sup> *The Hindu*, April 4, 1970.

be effective only after May 1972 but this he had subsequently withdrawn.<sup>9</sup>

#### *SSP MLA's Arrest referred to Privileges Committee*

On a motion by Shri Kamaldeo Narain Sinha (Congress—O), the State Assembly unanimously agreed, on April 10, to refer to the Privileges Committee the matter raised—namely, the arrest of some of its Members in the Bihar Secretariat and the assault on others by the police outside Parliament House in New Delhi.

Shri Sinha contended that the members of the House had certain duties to perform and their presence in the Secretariat to meet the Chief Minister could not be considered a trespass. The Members had been wrongly charged and prevented from performing their duty while the House was in Session. Likewise, as representatives of the people some members of the State Assembly who had gone to represent certain public grievances to the Central Government, were assaulted and arrested by the police who in doing so had committed a breach of privilege of the House. No intimation of arrest had also been given to the Speaker, he said.<sup>10</sup>

This privilege motion followed an unsuccessful bid by some SSP members, earlier on April 9, to have an adjournment motion admitted to discuss the April 6 incidents in New Delhi in which some SSP demonstrators were alleged to have been beaten up by the police. As a protest against the rejection of the motion by the Speaker, the SSP had staged a walk-out from the House.

#### *Party Fortunes*

On May 23, the Bihar unit of the All-India Jharkhand Party, one of the constituents of the ruling coalition, split into two. One of the factions is led by the Forest Minister Shri Begun Sumbrui, while Shri N. E. Horo, former Education Minister is the leader of the other.

Hardly three days later, the 28-month old Lok Tantrik Dal of former Congressmen—represented by 9 members in the Bihar Assembly—was reported to have been dissolved. The nine members of the Dal were believed to have been left free to join any party or function as Independents in the House.<sup>11</sup>

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<sup>9</sup> *The Hindustan Times*, April 12, 1970.

<sup>10</sup> *Ibid.*, April 11, 1970.

## Gujarat

On March 12, three of members of the ruling party defected, on March 22 four more resigned, to be followed by six more resignations on April 19. With the result that in a House of 168, its strength of 96 on March 12 came down to 85 on April 19 while in the corresponding period that of the combined Opposition improved from 75 to 82.<sup>12</sup>

The Government on March 28 came forward with a majority recommendation from the Business Advisory Committee to adjourn the House *sine die* after the day's business postponing the other pending business to be transacted by the House on its re-assembly. When the Minister of Parliamentary Affairs moved a motion in the House for the acceptance of the majority recommendation of the Business Advisory Committee, the Opposition on a point of order questioned the competence of the Committee to make such a recommendation in view of Rule 9 of the Assembly Rules which empowered the Speaker alone to adjourn the House *sine die*. The Opposition alleged that the Government was trying to get the House adjourned to save itself from being toppled. Upon an Opposition amendment to refer the motion back to the Committee being negatived, the main motion itself was adopted and the House accordingly stood adjourned *sine die*.<sup>13</sup>

The Speaker earlier had declined to admit two notices of no-confidence motions tabled the previous day by the leader of the Opposition, Shri Jaideep Singhji and the New Congress Leader Shri Kantibhai Ghia, on the ground that it would mean repetition of the debate which had already taken place on the budget and that, further, no serious reasons had been advanced in support of the motions.

Following the sudden adjournment of the Budget Session of the Assembly *sine die*, the Opposition members—Sarvashri Samat Mehta (SSP), Manohar Singh Jadeja (Independent), Narendrasingh Jahala (Swatantra), and Chhabildas Mehta (Congress—R)—filed a writ petition before the Gujarat High Court praying that the majority decision of the Business Advisory Committee be declared *ultra vires* the Constitution, specially when the Speaker had made no formal order to adjourn the House *sine die* which, they contended, was necessary under the Assembly Rules before the House could be adjourned.<sup>14</sup>

<sup>12</sup> *The Hindustan Times* March 13, 1970 and *The Hindu*, March 23 and April 20, 1970.

<sup>13</sup> *The Hindu*, March 29, 1970.

<sup>14</sup> *The Hindu*, March 29, 1970.



The High Court on May 2, rejecting the writ petition, held that the State Assembly had the power to adjourn itself even in the absence of a specific provision in the Rules authorising the House in this behalf. This power of the Assembly was not curtailed by Rule 9 of the Assembly Rules which specifically gave powers to the Speaker to adjourn the House. The ruling by the Speaker allowing the motion for adjournment of the House was within his powers and final, and the motion valid.<sup>15</sup>

#### *No-Confidence Motion*

On June 10, two days after the State Legislative Assembly reassembled to resume its suspended budget session, a one-line motion of no-confidence against the Hitendra Desai Ministry tabled by H.M. Patel (Swatantra) was admitted and discussed was held on June 15. In the course of the discussion, the Opposition accused the Ministry of indulging in corruption, political and other, to stay in power and alleged that police machinery had been used to induce defection from the Opposition. The Government denied these charges. The no-confidence motion was rejected by 91 votes to nil. The entire Opposition barring four Independents had entered staged a walk-out as a protest against the rejection of its privilege motion against one former MLA and two taluka and district panchayat presidents for their alleged trespass into the premises of the House to engineer floor-crossing.<sup>16</sup>

#### *Change of Affiliations*

In the wake of the tabling and admission of the no-confidence motion, two Swatantra Members—Shri Buharlal Gajera and Shri Naranbhai S. Patel—were reported to have resigned from their Party to become Independents; and, one more, Shri Manher Chavda who had become an Independent on April 20, joined the ruling Organisation Congress. This left the Swatantra with a strength of 52, while that of the Organisation Congress rose to 87. With 3 of the 17 Independents also announcing their support to the Government, the Ministry claimed the backing of 90 members in a House of 168.<sup>17</sup>

#### *Congress-O wins a seat*

Earlier, on May 18, in the by-election from the Sarsa constituency, the Organisation Congress nominee Shri Vithalbhai Patel won over his only rival, the Swatantra candidate, Shri Govindbhai Patel, by nearly 7,000 votes.

<sup>15</sup> *The Hindu*, May 3, 1970.

<sup>16</sup> *Gujarat Herald*, June 17, 1970.

<sup>17</sup> *The Hindustan Times*, June 12, 1970.

### Haryana

#### *Expansion of Cabinet*

The five-member Bansi Lal Cabinet was expanded on April 9 to include 10 more ministers, raising the strength of the Council of Ministers to 15.<sup>18</sup>

#### *By-elections to Assembly*

In the five by-elections to the Haryana Assembly held recently, the Congress (N) claimed three seats and Congress (O) two. While in two of these cases the vacancies had arisen due to death, in the case of the other three they were the result of the unseating of three sitting MLAs.

In the 81-member Haryana Assembly, the party positions, as on June 8, were reported to be: Congress (N) 51; Congress (O) 6; Vishal Haryana Party 12; Jan Sangh 7; BKD, Akali Party and Republican—1 each; Independents 2.<sup>19</sup>

### Jammu and Kashmir

#### *Legislature abruptly prorogued*

On the advice of the Chief Minister Shri G. M. Sadiq, both Houses of the State Legislature were prorogued by the Governor on March 13<sup>20</sup>. Within a week of this, 32 Kashmir MLAs met separately the New Congress leaders and sought their permission to elect a new leader in place of Shri G. M. Sadiq who, they said, had lost the confidence of the majority in the State Congress Party. The differences were however later patched up. On the reassured support by a large number of legislators to the Chief Minister, Shri Sadiq, the Assembly was reconvened on March 28.<sup>21</sup>

#### *Assembly re-convened; again adjourned sine die*

Within three days of its re-convening, the State Assembly was again abruptly adjourned *sine die*. The Opposition members protested against the adjournment as amounting to a denial to them of their democratic rights.

<sup>18</sup> *The Indian Express*, April 10, 1970.

<sup>19</sup> *The Hindustan Times*, May 12 & 26 and June 9, 1970.

<sup>20</sup> *The Indian Express*, March 14, 1970.

<sup>21</sup> *The Hindustan Times*, March 25, 1970.

*Cabinet Re-constitution*

Chief Minister Shri Sadiq submitted the resignation of his Cabinet on May 28, and on the same day announced the constitution of a fresh 11-member Council of Ministers. In the new Council three of the old Cabinet Ministers and all but one of the Deputy Ministers had been dropped. Shri Abdul Gani Doni, a Minister of State earlier, was given a Cabinet rank and Shri Noor Mohammed, a Deputy Minister previously, was promoted a Minister of State<sup>22</sup>.

**Kerala***Vote of Confidence*

With speculation rife over the majority with the Government, Chief Minister Shri Achutha Menon sought a vote of confidence from the Assembly on March 18. Lately, the 18-vote majority enjoyed by the Ministry in January<sup>23</sup> had dwindled down to 9 by March 9<sup>24</sup> and, on the top of it, had come the announcement of withdrawal of support to Government by 5 MLAs, two of them belonging to the ruling United Front. The Assembly, however, now reaffirmed its confidence in the Achutha Menon Ministry by a vote of 66 votes to 58, with Five—4 of the Organisation Congress and the only nominated Member—remaining neutral<sup>25</sup>. Subsequently, on March 25, the Assembly passed the Appropriation Bill for the year 1970-71 with a 9-vote majority—one more than that secured for the confidence motion earlier<sup>26</sup>.

*Resignation by Finance Minister*

The Finance Minister, Shri N. K. Seshan resigned from the Cabinet on April 2, marking the 'final' split within the ISP Legislature Party, one of the constituents in the ruling United Front Coalition. The resignation was accepted the same day and the Finance portfolio was taken over by the Chief Minister<sup>27</sup>.

<sup>22</sup> *The Hindustan Times*, May 29, 1970.

<sup>23</sup> This was on January 16 when a Marxist amendment to the Motion of Thanks to the Governor was voted down by 73 votes to 55.

<sup>24</sup> When a Marxist cut motion to the budget demands was negotived by 64 votes to 55.

<sup>25</sup> *The Times of India*, March 24, 1970.

<sup>26</sup> *The Hindustan Times*, March 26, 1970.

<sup>27</sup> *Ibid*, April 3, 1970.

*By-elections to Assembly*

Chief Minister Achutha Menon was declared elected to the Kerala Legislative Assembly on April 21 from the Kottarakkara constituency by a margin of over 26,000 votes, over that polled by his rival—the Marxist supported Independent Shri Sankaranarayana Nair. A CPI member, Shri E. Chandresekharen, had resigned his seat to make possible this by-election to elect Shri Menon to the House<sup>28</sup>.

In another by-election from the Nilambur constituency in Malapuram district, Shri M. R. Gangadharan, a pro-Congress (R) Independent supported by the ruling United Front, defeated his Marxist rival Shri U. P. Aboobakar by a margin of over 5000 votes.

A third Assembly seat went to the Marxist backed Kerala Socialist Party Leader Shri John Manjuran in a by-election from the Madai constituency. His nearest rival the UF supported, Shri K. Raghavan, lagged behind the successful candidate by about 4000 votes<sup>29</sup>.

*Ordinances*

On April 28, the Governor issued an ordinance to provide for the setting up of agricultural courts to settle agricultural disputes and also to provide for payment of prescribed wages to agricultural workers. Another ordinance issued two days earlier brought all appointments in the State Financial Corporation, the State Warehousing Corporation and other Government companies within the purview of the Kerala State Public Service Commission.

**Madhya Pradesh***Budget Session**Infructuous Motion for Removal of Speaker*

The re-assembled budget session of the Assembly was prorogued on March 18. On the previous day, a motion for the removal of the Speaker was tabled by the Opposition leaders for failure to protect the rights of Members and as a protest against his "arbitrary methods." The motion was, however, rendered infructuous with the prorogation of the Assembly<sup>30</sup>.

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<sup>28</sup> *The Statesman*, April 22, 1970.

<sup>29</sup> *The Hindustan Times*, May 22, 1970.

<sup>30</sup> *Ibid*, March 19, 1970.

### *Expansion of Cabinet*

Shri Ganesh Ram Anant (Congress-N) was sworn in as a Minister in the Cabinet on May 3, raising the strength of the Shukla Ministry to 40<sup>31</sup>.

### *By-elections to Assembly*

Six by-elections to the State Assembly were simultaneously held on June 7 — 5 of which were won by the Congress (N) and one, by the Jana Sangh.

The successful Congress (N) candidates and their constituencies were : Shri Manaklal Agrawal (Garoth); Shri Raghunandan Prasad (Neemuch); Shri Lakhnan Singh Solanki (Murwara); Shri Satyendra Prasad Mishra (Katangi); and Shri Bhagwan Das (Narsingarh). The Jana Sangh candidate Shri Raghavji was returned from the Vidisha constituency.

The Murwara and Narsingarh elections were caused by the death of the sitting member; while the Katangi vacancy was the result of the invalidation by the Supreme Court of the election of the former Chief Minister Shri D. P. Mishra and the Garoth seat became vacant upon the unseating of the Jana Sangh legislation<sup>32</sup>.

### *Biennial Elections to the Rajya Sabha*

In the biennial elections to the Rajya Sabha which coincided with the budget session of the Assembly, Congress (N) claimed all the 4 seats it contested, while the Jan Sangh secured the remaining two.

## **Maharashtra**

### *No-Confidence Motion*

At the end of a discussion lasting two days, the Maharashtra Assembly rejected on May 7 a no-confidence motion against the Naik Ministry by 154 votes to 42. In the course of the discussion the Opposition accused the Government of shielding the Shiv Sena elements, which charge was vehemently refuted by the Chief Minister. The Chief Minister assured the House that the Government would never tolerate any attempt by the Shiv Sena or other organisation at goondaism<sup>33</sup>.

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<sup>31</sup> *Hindustan Times*, May 3, 1970.

<sup>32</sup> *Ibid*, June 9, 1970.

<sup>33</sup> *Times of India* (Bombay) May 8, 1970.

*Biennial Elections to Legislative Council*

On June 8, biennial elections from six local authorities constituencies were held to the Maharashtra Legislative Council. Four of the six seats were won by the New Congress, while the BKD and the Organisation Congress shared the remaining two places, one each.

The members elected and their constituencies were Shri Baburao Govind Tadv—Aurangabad; Shri Sahebrao Hangaregar—Osmanabad; Shri Sadashivrao Annasaheb Shinde—Kolhapur; Shri Manikrao Mahakse—Parbani Nanded; Shri Mool Chand Gothi (BKD)—Nasik; Shri S. S. Kakade (Congress : O)—Poona—the first four belonging to the Congress (N)<sup>34</sup>.

**Meghalaya***Inauguration of new State*

Amidst scenes of jubilation the Prime Minister Shrimati Indira Gandhi inaugurated on April 2 the autonomous hill State of Meghalaya. This youngest State of the Indian Union, second to be carved out from the State of Assam, was described as a constitutional experiment for meeting the political aspirations of a million Garo, Jaintia and Khasi people.

Earlier a five-member Cabinet headed by Captain Williamson Sangma, whom the All-Party Hill Leaders Conference (APHLC) Legislature Party had unanimously elected as its leader, was sworn in by the Governor, Shri B. K. Nehru. In the 41-member Provisional Legislative Assembly, elections to which were completed on March 20, the APHLC holds 34 of the 38 elective seats—the Congress with four seats constituting the only Opposition.

The first session of the Provisional Legislative Assembly was inaugurated by the Governor, Shri B. K. Nehru on April 14, Professor R. S. Lyngdoh, Vice-President of the APHLC, was elected the Speaker of the Provisional Assembly.

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<sup>34</sup> *The Hindustan Times*, June 10, 1970.

### Mysore

#### *By-elections to Assembly*

Congress (N) won both the by-elections to the State Assembly held recently.

Shri Hamid Shah, a Congress (N) nominee won the Shivajinagar seat on May 4 defeating his nearest rival, Shri Mukthiar Ahmed, an Independent, by a majority of over 4000 votes.

In another by-election, from the Hospet constituency, Shri Satyanarayana Singh, another Congress (N) candidate, was reported to have defeated in a straight contest the rival Organisation Congress candidate, Shri Pattikonda Bheemasenappa Setty by a margin of over 10,000 votes.

#### *Biennial Elections to Legislative Council*

13 of the 18 seats of the Legislative Council, to which biennial elections were held on June 8, were claimed by the Congress (O), while the Jana Sangh secured 2 and the Congress (N) 1. The candidates elected to the remaining 2 seats were Independents.

After these biennial elections, the party position in the 63-member Council was reported to be: Congress (O)—44 (including 9 nominated members); Congress (N)—5; Jana Sangh—4; and Independents and others—9<sup>88</sup>.

### Nagaland

#### *Naga Delegation meets Prime Minister*

A high-power Naga delegation led by the Chief Minister, Hokishe Sema, met the Prime Minister on April 27, and submitted a memorandum urging the Central Government to take immediate steps for the inclusion of all Naga areas in Assam and Manipur in Nagaland. "The Nagas will never accept anything short of integration" the memorandum said<sup>89</sup>.

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<sup>88</sup> *Conparlist*, June 1970, p. 5.

<sup>89</sup> *The Hindustan Times*, April 28, 1970.

**Orissa***Coalition regains majority*

With the return of five defectors to the Jana Congress Party on March 31, the Swatantra-Jana Congress Coalition Ministry regained its majority in the Assembly. Earlier, with the exit of 8 legislators on March 13 to form themselves into a Progressive Group, the coalition had been reduced to a minority position.

On June 6, the former Chief Minister Shri Biju Patnaik claimed that 15 out of the 24 Congress—(R) members in the State Assembly had defected to the Independent Congress group founded by him. This statement was made to refute the claim made by the Congress(R) Convenor and Leader of the Congress Legislature Party that his group was still enjoying majority support in the Legislature Party<sup>37</sup>.

**Punjab***Fall of Gurnam Singh Ministry*

Dissensions in the top leadership of the Akali Dal, the major partner in the ruling coalition in the State, which had been rampant for quite some time, came to a head on March 25. When the Chief Minister Shri Gurnam Singh sought to move the Appropriation Bill, he was faced with clear defeat, only 22 MLAs voting for the motion and 44 against it. Those who voted against the motion were: Akali Dal (Sant Fateh Singh Group) 35, Jana Sangh 7 and CPM 2—and this included the Finance, Irrigation, Industries and Social Welfare Ministers. Only 17 Akali MLAs voted with Shri Gurnam Singh, besides a few others. Congress (N) and the CPI abstained from voting<sup>38</sup>.

Earlier, during the day, in the biennial elections to Rajya Sabha, the Akali Dal Legislature Party was reported to have split in two groups and, despite the party whip, several MLAs belonging to the party had voted for Gyani Bhupinder Singh (expelled the previous day from the Dal) resulting in his election to the Upper House. The party positions in the House with an effective strength of 103 as on March 25 (before the defeat of the Gurnam Singh Ministry) was reported to be: Akali Dal 57 (including the Speaker), Jan Sangh 7, Congress 28, CPI 4, CPM 2, SSP 2, PSP 1, Swatantra 1 and Independent 1<sup>39</sup>.

<sup>37</sup> *The Sunday Search light*, June 7, 1970.

<sup>38</sup> *The Hindustan Times*, March 26, 1970.

<sup>39</sup> *Ibid.*



About the same time as he met with his defeat in the Assembly, Sardar Gurnam Singh was expelled from the Party by Sant Fateh Singh whereupon he resigned from the Chief Ministership of the State on March 26. When the House assembled that day, it was adjourned till March 30, upon demand from all sections of the House, since no validly constituted Government was on the scene<sup>40</sup>.

#### *Formation of New Ministry*

The political crisis which led to the defeat of the Gurnam Singh Ministry ended on March 27 when Shri Parkash Singh Badal was sworn in as the new Chief Minister of the State, along with two of his Cabinet Ministers, Shri Balram Das Tandon (Jana Sangh) and Shri Balwant Singh (Sant Akali)<sup>41</sup>.

The new Chief Minister later expanded his Cabinet on April 15, by adding five more Ministers bringing the strength of his Ministry now to 8 Cabinet Ministers and one Minister of State<sup>42</sup>.

The Assembly reassembled as scheduled, passed the Appropriation Bill by voice vote and adjourned *sine die* on March 30. A motion of no-confidence in the Badal Ministry earlier admitted, was subsequently withdrawn by the mover, Shri Umrao Singh (Congress-N). Opposition Members protested against the adjournment of the House contending that three no-confidence motions were pending against the Speaker. These had been tabled by Captain Rattan Singh (Congress), Shri S. P. Dang (CPI) and Shri Santokh Singh and others. The State Assembly was prorogued on April 10 by the Governor<sup>43</sup>.

#### *Writ Petition*

On May 2 four CPI members of the State Assembly filed a writ petition before the Punjab and Haryana High Court challenging the validity of the Appropriation Act passed by the House on March 30, the adjournment of the House *sine die* by the Speaker and the prorogation of the Assembly by the Governor on April 10, 1970. The petitioners prayed that the prorogation order be quashed, the Governor directed to re-summon the Assembly to consider the resolution for removal for the Speaker and the motion for constitution of the Estimates and Public Accounts Committees, and the State Govern-

<sup>40</sup> *The Hindustan Times*, March 27, 1970.

<sup>41</sup> *Ibid*, March 28, 1970.

<sup>42</sup> *Ibid*, April 16, 1970.

<sup>43</sup> *Ibid*, March 31 & April 11, 1970.

ment be directed not to withdraw any moneys from the Consolidated Fund of the State since the Appropriation Bill had been passed, they contended, in an illegal and unconstitutional manner<sup>44</sup>.

### *Expansion of Badal Cabinet*

On June 5, the Punjab Chief Minister, Shri Prakash Singh Badal nearly trebled the size of his 9-men Akali-Jan Sangh coalition Ministry by appointing 16 new ministers—one Cabinet Minister, 11 Ministers of State and 4 Deputy Ministers. One more who sworn in on the next day, followed by the swearing in of three Parliamentary Secretaries on June 9<sup>45</sup>. With this expansion, the 7-member Jan Sangh, a junior partner in the ruling coalition, came to have 3 Cabinet Ministers and one Minister of State, while the 49-member Akali Party was represented by 6 Cabinet Ministers, 11 Ministers of State and 4 Deputy Ministers.

This largest ever expansion of the Cabinet since the division of the State in November 1966, was reported to have touched off sharp internal dissension in the Sant Akali Group. For, within a few days of his appointment, Shri Randhir Singh Cheema, Minister of State for Animal Husbandry and Fisheries, tendered his resignation from the Ministry reportedly in protest against the inclusion of some "defector members" in the Cabinet. He was also said to be not happy with the portfolio allotted to him<sup>46</sup>. Shri Basant Singh Khalsa, who was appointed as a Parliamentary Secretary, on June 9, also resigned his post three days later.

### *Increased Allowances and Amenities for Legislators*

Earlier, on May 20, the State Cabinet had decided to increase the facilities and allowances of legislators with retrospective effect from April 1, 1970. Under the new rates, the legislators would now be entitled to draw a compensatory allowance of Rs. 500 per month, instead of Rs. 400 only, drawn by them previously. The daily allowance was raised from Rs. 25 to Rs. 35. In addition, the legislators and their wives now became entitled to free travel on buses run by the State Government. They are also to get additional mileage on all the railways in the country.

<sup>44</sup> *The Hindustan Times*, May 3, 1970.

<sup>45</sup> *Ibid.*, June 6, 7 & 10, 1970.

<sup>46</sup> *Ibid.*, June 12, 1970.

### **Rajasthan**

#### *By-elections to Assembly*

The Congress (N) party in Rajasthan won both the bye-elections from the Tonk and Nasirabad Assembly constituencies on April 26.

In the Tonk constituency, Shri Surender Vyas defeated his nearest rival Mirza Rafiullah Beg (Congress-O) by a margin of over 10,000 votes.

In the Nasirabad bye-election Shri Shankar Singh Rawat defeated his nearest rival, the Swatantra nominee by over 10,000 votes.

### **Tamil Nadu**

#### *Legislators Demand for increased Amenities*

The leader of the House and Minister of Education, Shri V. R. Nedunchezian, announced in the State Assembly on March 17 the Government's decision to grant to the family of a legislator who died in the midst of his term, pension for the rest of the five-year term of the Member. The Minister also told the House that the State Government had urged the Centre to increase the strength of the 63 member Legislative Council to 78. The announcement came in the course of the Minister's reply to the debate on the Demands of the State Legislature Department.

In the course of the debate Members demanded increased facilities, which included provision of rent free accommodation in hostels, periodical tours around the State and the country, increased salary and allowances and pension to those who had continuously served for three terms<sup>47</sup>.

#### *By-election to Assembly*

The DMK nominee, Shri S. R. Chenniappan, was declared elected to the Tamil Nadu Assembly from the Perundurai constituency on April 16 by a majority of over 13,000 votes over his SSP rival, Shri S. K. Periasamy<sup>48</sup>.

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<sup>47</sup> *The Hindustan Times*, April 28, 1970.

<sup>48</sup> *The Hindu*, March 18, 1970.

<sup>49</sup> *The Hindustan Times*, April 17, 1970.

In another bye-election from the Colachel constituency in Kenyakumari district, Shri A. Pulliah (Congress-O), on May 24, was declared to have won his seat, defeating his nearest rival Shri A. Rabi, an Independent, in a four-cornered contest by over 26,000 votes. This was a seat already held by Organisation Congress and fallen vacant on the death of the sitting Member.

The party position in the 235 member House (excluding the Speaker), as on May 15, was reported to be : DMK—138; Congress (O)—40; Congress (R)—8; Swatantra—12; CPI(M)—10; P.S.P.—4; Muslim League—2; CPI—3; Independents—3, Forward Bloc—7; SSP; Republican and Tamil Arasu Kazhagam—1 each; vacancy—4<sup>60</sup>.

#### *Election of New Council Chairman*

Shri C. P. Chitrarasu (DMK) was unanimously elected Chairman of the Tamil Nadu Legislative Council, on April 23, in place of Shri M. A. Maniekavelu, who had retired three days earlier<sup>61</sup>.

The Legislative Council met for the first time after the biennial elections, on April 23. In the 63 member Council, the party position was: DMK 26; United Party 3; Toiler Commonweal Party 1; PSP 1; Tamil Arasu Kazhagam 1; Muslim League 1; Congress (O) 18; Swatantra 4; Congress (R) 2; and Independents 6.

### **Uttar Pradesh**

#### *Motion of No-confidence in Ministry*

The Uttar Pradesh Assembly discussed on March 20 and 21, a motion of no-confidence in the Charan Singh Ministry tabled by the Leader of the Opposition, Shri Girdhari Lal (Congress-O). The motion charged the Government, among other things, as being "unprincipled", pursuing repressive policies and ignoring such popular measures as abolition of land revenue on holdings up to 6.25 acres, abolition of the profession tax and reduction in the irrigation rates, initiated by the erstwhile Gupta Ministry. The motion was eventually rejected by the Assembly on March 21 by a margin of 67 votes—236 members voting against the motion and 169 in favour of it, in a House of 426 members. The House then adjourned to meet again on April 28 for the budget session<sup>62</sup>.

<sup>60</sup> *The Hindustan Times*, May 25, 1970.

<sup>61</sup> *The Hindu*, April 24, 1970.

<sup>62</sup> *The Hindustan Times*, March 18 & 22, 1970.

### *Biennial Elections to Legislative Council*

In the biennial elections to the State Legislative Council from 13 local authorities constituencies, the State Assembly constituency held on March 28, the seats secured by the various parties were: Congress(N) 7, Old Congress(O) 4, BKD 1, and SSP 1<sup>53</sup>.

### *Abolition of Council*

On April 29 the State Assembly adopted, by 220 votes to 21, a non-official resolution moved by the Jana Sangh Chief Whip Shri Nityanand Swami seeking abolition of the State Legislative Council. The three major parties—BKD, Congress(N) and Congress(O)—had given freedom to their members to vote according to their conscience and those who opposed the resolution mostly were from the BKD and the Congress(N). The preponderant view of the members was that the Council did not serve any purpose and was being used as a sanctuary for politicians rejected by the electorate<sup>54</sup>.

### *Second thoughts on Council Abolition*

The resolution was transmitted by the Speaker Shri A. G. Kher to Parliament on May 4. In the meantime a signature campaign to press for reconsideration of the matter and rescinding the resolution was reported to have been initiated by a hundred MLAs. Notice of a motion to the effect was subsequently tabled by as many as 235 out of 425 MLAs of the Assembly. The Speaker, Shri A. G. Kher, made an announcement in the Assembly on June 11 fixing June 26 for discussion on the motion. He also pointed out the necessity of having to suspend, prior to the discussion, the relevant rule of the House which bars admission and consideration of a motion on the same subject within six months.

### *New Congress joins Ministry*

The New Congress, led by Shri Kamalapati Tripathi, formally decided on April 19 to join Shri Charan Singh's BKD Ministry. The party was supporting the Ministry from outside since its formation in February. From the New Congress 27 Ministers were included in the Ministry, all of whom, barring 2, were sworn in on April 19, the remaining two taking oath two days later<sup>55</sup>.

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<sup>53</sup> *The Hindustan Times*, April 30, 1970.

<sup>54</sup> *The National Herald*, April 29, 1970.

<sup>55</sup> *The Hindustan Times*, April 19 & 20, 1970.

**West Bengal***Resignation of Chief Minister and Imposition of President's Rule*

Shri Ajoy Kumar Mukherjee tendered his resignation from the Chief Ministership of the State on March 16, 1970. This brought to an end the thirteen-month old United Front Government in the State. The State Governor, Shri S. S. Dhavan, however, asked Shri Mukherjee to continue as head of a caretaker Government pending his consultations with the different parties on the question whether any of them were in a position to form a new Government.

The Chief Minister's resignation was preceded by continued disunity of purpose and lack of cohesiveness among the various constituents of the ruling United Front in the State.

The Governor explored the possibility of an alternative Ministry in the State. He asked Shri Jyoti Basu, leader of the CP (Marxist) in the West Bengal Legislative Assembly, whether his party was able to form a Council of Ministers. Meanwhile, ten parties and groups had written to the Governor that they were totally opposed to the formation of a Ministry led by the CP (M) and they gave notice to the Governor direct that if in spite of their protests, he asked the leader of the CP (M) to form a Government, his action would be "illegal and immoral".

The Governor then wrote back asking them to give him their reasons why it would be illegal and immoral if he allowed Shri Jyoti Basu, leader of the single largest party in the Legislative Assembly, to form a Ministry. Meanwhile, the Governor showed the letters of these parties to Shri Jyoti Basu, who conceded that on the face of it the strength of these parties combined was 165 in the House of 280. Shri Basu said that he expected several members of these parties to dissent from the attitude of their leaders and support the CP(M)-led Ministry. He, however, declined to disclose the names of the Members of the other parties on whose support he relied.

In view of the CP(M)'s failure to furnish the names and the fact that no other party or parties were willing to form an alternative government, the Governor recommended proclamation of the President's rule without dissolving the State Assembly. The recommendation of the Governor was accepted and President's rule was imposed on March 19, 1970<sup>86</sup>.

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<sup>86</sup> West Bengal Governor's Report to the President laid on the Table of Lok Sabha on March 24, 1970. See also *Asian Recorder*, April 30-May 6, 1970, pp. 9517-18.

On the proclamation of the President's rule, the powers of the State Assembly, then half-way through the passage of the current year's budget, became exercisable by and under the authority of Parliament. Shri P. C. Sethi, Union Minister of State for Finance presented in Lok Sabha on March 27, the West Bengal budget for 1970-71. The budget, which provides for a State outlay Plan of Rs. 51.36 crores and a provision of Rs. 8.06 crores for centrally sponsored scheme, revealed an overall deficit of Rs. 15:51 crores.

Shri B. B. Ghosh was appointed principal adviser and Sarvashri M. M. Basu, K. K. Sen, A. K. Ghosh, and A. N. Kidwai as other advisers to the State Governor Shri S. S. Dhavan. Under an amendment to the rules of business of State Government, made on April 16, the Governor and his advisers were to have regular meetings and function as a Council of Ministers.

## UNION TERRITORIES

### Delhi

#### *Demand for Statehood*

During the debate on the budget estimates for the year 1970-71, the demand for a full-fledged Statehood was reiterated by leaders belonging to all political parties. The Chief Executive Councillor, Shri V. K. Malhotra, assured the Council that the matter would be taken up with the Union Home Minister.

#### *Election of new Chairman*

Earlier, on March 26, Shri Shyam Charan Gupta (Jan Sangh) was elected Chairman of the Metropolitan Council, in the vacancy by the resignation of former Chairman Shri L. K. Advani, elected to the Rajya Sabha.

#### *Election of Mayor*

Shri Hansraj Gupta (Jan Sangh) was re-elected Mayor of Delhi on April 6 for the fourth year in succession.

**Manipur***Demand for Statehood*

A 11-member all party deputation of the United Action Committee of Manipur presented a memorandum to the Prime Minister on April 13 urging full-fledged Statehood for Manipur. They also met the Union Home Minister Shri Y. B. Chavan in this connection.

The demand had received wide support cutting across party lines when, on March 25, the Lok Sabha debated the Budget of the Union Territory.

**Tripura***Demand for Statehood*

In a resolution passed by the Tripura Assembly unanimously on April 10, the Union Government was urged to amend the Constitution of India for incorporating necessary provisions for conferring full Statehood on the Union Territory.

The Assembly amended its Rules of Procedure to enable the Speaker to admit more than one Calling Attention Notice on a day.



## **BOOK REVIEW**

### *DECISION IN GOVERNMENT*

By

**JEREMY BRAY**

Victor Gallancz Ltd. London, 1970, pp 303, Price 60S. net

As the citizens of a democracy are interested—or ought to be interested—in the activities of their Governments, the manner in which the Governments act and the manner in which they come to decisions on the matters that come before them must be of interest to its citizens. They hear only of the decisions of Government, not of the processes by which it arrives at those decisions. They come to know of them in a general way. That there is a lot of writing by the Ministers and their officials, that there is much discussion between them and among them, that there are conferences of officials, telephone talks, comings and goings of men and boxes from room to room in the Secretariat, they have heard and known in a vague way. But of authentic accounts of the processes of government and administration there is not much from the inside available. I know of only one book before this—"Decision-making in the White House" by Theodore M. Sorensen published in 1963—and another, "The Cabinet" by another Labour Minister, Mr. Patrick Gordon Walker published this year after Mr. Bray's. Therefore the book of Mr. Jeremy Bray must be welcomed by all those who are interested in the machinery of government and its working. Mr. Bray was a Minister in the Ministry of Power and of Technology in the last Labour Government and resigned in 1968 on some differences of opinion. This book is the first fruit of his enforced leisure.

He starts off with a preliminary chapter on the problems facing the Labour Government of 1964—1970, of education, technology, rising prices, social services, international affairs. He then tackles his subject with a narrative description of a day in the Minister's life. How it begins with a flow of papers containing notes and minutes, short or long, the Minister making brief notes, the Minister's minutes being brief confined to a sentence or a paragraph or two. It is only when he has strong or special views of his own that he writes a long minute. But it is not writing and flow of writing all the time. Meetings fill a large portion of a Minister's day—meetings with officials, representatives of all kinds of interest, other Ministers, with or without their officials, as well as Cabinet Committees and the Cabinet itself. An all-pervading factor in the Minister's life is the sheer pressure of work. After a long

day's work, Mr. Bray says, it is not uncommon for a Minister getting home from the Commons late at night to have to settle down to two despatch boxes with a dozen problems and important briefings for meetings next morning brought to him at 11 O'clock at night to be dealt with before he gets to the Department at 9 or 10 next morning. The pace has increased over the years and it is hotter in a socialist government because it takes on so much more work.

With much of the work in a Ministry being done by officials, the relations between the Ministers and officials is an important factor in the governmental process. Some Ministers are equal and superior to their officials and are able to get what they want from them *i.e.* relevant information and competent advice. Other Ministers are below par and are led by the nose by their officials. The efficiency of a Ministry depends on the proper relations between Minister and civil servants. And here we come upon a discussion by Mr. Bray of the old principle that Ministers have to do with policy and civil servants have to deal with the administration of that policy, that is, Administration is outside the normal jurisdiction of the Minister. But that principle has to reckon with the difficulties and complexities of modern government. And civil servants being permanent, having more time to study questions and having long experience of administration and its problems, have more to do with the making of policies. And Ministers being charged with personal responsibility by modern statutes for appointments, permits, allotments have to concern themselves more with the administration than their predecessors of the 19th century. It is a competent Minister that has a whip hand in regard to policy and knows when and where to step in administrative interventions. On this and other matters concerning the work of the Minister in collaboration with permanent civil servant, we have useful hints and suggestions offered by Mr. Bray out of his experience as a Minister.

Beside the Minister and his officials, there are others that contribute to the decisions of the Government in a democracy. There is the worker in an industry, private or nationalised, there is the consumer, there are pressure groups, organisations like the trade unions whose views and reactions have to be taken into consideration by a democratic government.

Not only is Mr. Bray a practical administrator but a student of government and administration and the latter portion of his work is taken up with a discussion of the principles of State action—the Socialist as well as Conservative theory, and with the principles and

practices of business management—how far business methods can be introduced into Government Departments. And being a Socialist who has been concerned with the management of the economic department of a modern Socialist government, all this must be of special interest and instruction to Ministers of Socialist Governments and officials working under them. Socialist administration to justify Socialism must be efficient and Mr. Bray tells his fellow Socialists how it can be done. The book is timely and topical, not least in India at present.

Interesting and instructive no doubt all this to the students of social policy but in a book on decision in government we should have much preferred an insider's report on how decisions are arrived at in government. What and how much is reserved for Cabinet meetings and left to Cabinet Committees and Ministers? What part does the Prime Minister play in the Cabinet? Are decisions arrived at by majority vote or does the Prime Minister dictate the decision after summing up the discussion, leaving it to Ministers to lump it or resign if they cannot stomach it? Perhaps the later book by another former Labour Minister published after Mr. Bray's book will give us more inside information.

—M. RUTHNASWAMY.

## SUMMARIES OF BOOKS

### *PARLIAMENTS, PEOPLE AND MASS MEDIA*

By

*CHARLES WILSON*

Cassell and Company Ltd. London, 1970

This book consists of an edited selection of speeches made at a Symposium on the subject "Parliament, and its Contacts with Public opinion through Press, Radio—and Television," organised by the Inter-Parliamentary Union at Geneva in December 1968. More than a hundred delegates from many nations—Members of Parliament, journalists, experts in the various media of communications and academics participated in the three-day discussion. Besides editing the speeches, the author, who is Professor of Modern History in the University of Cambridge, has also contributed a concluding analysis (chapter 8) summarising the results of the Symposium and commenting upon the origins and character of the conflicting opinions which were expressed by representatives of the different types of Parliament, economy and society represented in the Symposium.

The Symposium itself was preceded by an 'International Inquiry on Means of Informing Public Opinion on Parliament and its Work' carried out by the International Centre for Parliamentary Documentation (C.I.D.P.). This was the first attempt to establish the facts regarding the use made by the Parliaments of the world of the new media of communication—the Press, Radio and Television. An analysis of the results of this inquiry is reproduced in Appendix I of the book.

The Symposium began with some general considerations of the communication 'revolution' itself or the 'Explosion of Communications', as the title of chapter 1 reads; it passed to the problems which arise from the relationship of parliamentary institutions in the various countries and the press (chapter 2); then to the problems posed to Parliaments by the coming of radio and television (chapters 3 to 6). Although no special session was devoted to the problem of the developing countries, they kept recurring in the debates and have, accordingly, been made the subject of a separate chapter (chapter 7).

From the survey of the discussions at the Geneva Symposium, attempted in the book, it is apparent that the views expressed by the sixty or more speakers were as diverse as the societies they represented. It is not claimed that the analysis in this survey establishes by any scientific process what 'public opinion' is on the points at issue—whe-

ther Parliaments should employ the new media of communication and if so how. However, it does adumbrate the pros and cons in the argument and brings out the fact that each Parliament has its own problems and hardly two have exactly the same ones.

Some of the points of interest made by the author in the concluding chapter where he sums up the results of the Symposium are given below:

#### *Parliaments' different Response to the New Media of Communication*

The decision to broadcast or televise Parliament in some form or another depends on a wide variety of economic, social and political factors which determine Parliaments' belief that the use of modern media is likely to preserve or destroy the kind of functions they want to see performed. Only one clear-cut conclusion emerged from the Geneva Symposium, namely: Few, if any, of those members representing countries or Parliaments which have taken to radio and television have any regrets or doubts as to the wisdom of their decision. The doubts and anxieties were often voiced most strongly by spokesmen representing countries like India and the United Kingdom, which had made no decision or were still in the stage of deliberation and experiment.

Of course, the developing countries have their own special and technical problems here. Inasmuch as not even the Government of an advanced economy can overlook the high cost of broadcasting and televising Parliament and as the item will become much more costly as the equipment in use becomes more sophisticated, the obvious point was made that part of the discussion of the more sophisticated issues before the Symposium was a matter of only academic interest to the representatives of the developing countries.

#### *Pros and Cons of use of Radio and Television*

Those who favour the use of radio or television for strengthening the links between Parliament and the people, broadly regard it as an extension of the use of the press as a means of communication with the public. They maintain that parliamentary democracy by its very nature demands the right to use radio and television just as it has established the right to use the press. They also claim that besides serving the interests of Parliament in making available to the public the knowledge of its proceedings, television has also made for livelier and more energetic parliamentary proceedings by, among other things, contributing to an increase of effort on the part of M.Ps. and encouraging better attendance in the House.

It was recognised that there was force in the objection that television cameras and operators "would destroy the privacy and quiet needful for serious debate" in Parliament. It was felt however, that technological advance seems likely to weaken progressively this kind of objection. Another and a "more procedural objection" was that the induction of T.V. might add to the pressures which tie members to their places in the House—these are even otherwise quite considerable—and thus force them to neglect the important work of maintaining relations with their constituents and others who very properly want their help.

Fears were also expressed that the presence of the television camera might lead some speakers to play to the gallery. Would demagoguery distort the true nature of parliamentary proceedings? How would the politician of true capacity overcome the new drawback that he was not 'telegenic'? Would television draw the wrong men to the top, and for the wrong reasons?

On the other hand, with regard to the "danger facing parliaments everywhere at the present time in the growth of executive power" and the tendency on the part of governments to shield various matters from the eye of Parliament on grounds of security, the protagonists of the new mass media maintained that the greater freedom of knowledge which can be conferred on the public by the broadcasting or televising of Parliament can do nothing but good. Some publicity, they plead "must form something of a protection against the domination of both governmental interests of the powerful lobbies representing organised private interests." Of course, underlying this view is the assumption that there is a perfect equation between maximum publicity, the public interest and the interest of Parliament itself.

Some other pertinent questions raised were: How could viewers or listeners be expected to take a continuous interest in continuous broadcasting or continuous television? Would it mean selective editing of parliamentary proceedings, which would again tend to distort the true nature of parliamentary business? Who would select and edit the tele-recordings and on what principles? What part would be assigned to those indispensably necessary, but necessarily dull, stretches of parliamentary time devoted to the close scrutiny of legislation? Would they be cut out in favour of more shining gems of oratory, if and when these could be found? Would this make for a balanced view and fuller understanding of the nature of the parliamentary function? It may be mentioned that even Robin Day of the B.B.C., who was all in favour of televising Parliament did not belittle the difficul-

ties of presenting a just and impartial edited version. It would be a tremendous challenge, editorially and technically, even to those most experienced in political reporting on television. But, he concluded, 'with experiment and practice there is no reason why the problems should not be satisfactorily solved'.

**CITIZEN ADMINISTRATION AND LOKPAL**

By

**V. JAGANNADHAM AND H. R. MAKHIJA**

S. Chand and Co., New Delhi, 1969

The Administrative Reforms Commission in one of its Reports had stressed that the proposed creation of the institution of Lokpal and Lokayuktas does not absolve the Government from streamlining and strengthening the present governmental machinery available for redressal of citizens' grievances. The present book owes its origin to this report of the Commission. The book deals with the manifold problems associated with citizens' grievances and how far the existing machinery and procedures are effective instruments to meet the needs of the aggrieved citizen. The authors feel that, "the proposed institution (Lokpal and Lokayuktas) would be expected to deal with only such matters for which remedies are not available at present and where, for any valid reason, the citizens cannot make full use of these remedies. It is obvious that if the official machinery for dealing with applications and for hearing of appeals and complaints is just and quick, the need for citizens to approach the Lokpal and Lokayukta will be minimised.

The book divided into four parts—each part describing and discussing different aspects of the problem comprehensively, deals with the theoretical and ideological concepts of the subject in its historical and contemporary perspectives. Part I describes the approach to, and an overview, of the problem. The authors deal with the causes of alienation of citizens from administration and *vice versa*. They observe :

"Many factors make for mutual alienation of citizens and administrative officials. The roots of the trouble may be in the individual human factor, or in the organizational structure or in the systems and procedures that guide its working, or the ailment may be the cumulative result of these factors working together. The net result of all these factors is the public impression, real or imaginary, of bureaucratic apathy, unfairness, injustice, mistakes and abuse of power."

The authors do not consider that the root cause of the *malaise* is only the governmental machinery. About citizen responsibility in this regard, they hold :

“While an average citizen thus comes to nurse a sense of grievance against an unfair administrative action, he too might be responsible for the very shortcomings that are accusingly pointed to be at the bureaucratic door. Many an action, or lack of action on the part of a citizen might contribute to the difficulties of administrative officials. Similarly, many a request of an average citizen might be anything but legitimate and what is worse, he might be willing, even anxious, to use any and all means to ensure its acceptance.”

The authors examine the role of the external agencies like the Press, the law courts, the administrative tribunals and the legislatures in ventilating the grievances of the average citizen and securing the help of the authorities in getting these redressed. In their view, they are quite inadequate. They conclude :

“The only alternative to the limitations of the existing grievance agencies is to create an agency whose review of administrative actions is cheap, quick, free and impartial. Such an agency can be no other than what has commonly come to be called the Ombudsman.”

Describing the functioning of the Ombudsman in different countries, the authors observe:

The institution of Ombudsman is designed primarily to increase public confidence in the administrative machinery; not to provide a substitute for it. Ombudsman does not supplant administration, nor does he assume for himself the responsibility of good Government. But it will help the successful functioning of Ombudsman if efforts are made assiduously to tone up the Administration, and thus to minimise the need for him to come into action.

In part II of the book, the authors give their conclusions arrived after studying sample cases of the manner in which application, complaints, representations etc., were disposed of by Government Departments. These cases are illustrative of the ‘Implementation gap’ that is, the gap between what is intended to be done and what is actually done. Their survey reveals the inadequacy of the arrangements al-



ready made and instructions already issued, the gap in their implementation, and the deficiencies that still continue to prevail in the bureaucratic handling of citizens complaints.

On the basis of the data analysis and investigations carried out in four States namely, Orissa, Rajasthan, Andhra Pradesh and Maharashtra, with regard to the handling or disposal of applications from the public, the authors state their conclusions in these words:

"These findings, together with another finding, that cases get delayed both at the level of the Assistants and Section Officers and of the higher Officers, would point to a partial ineffectiveness of the officers in the speedy handling of citizens' applications. The problem of delays is heightened by the fact that even the simple, routine cases are considerably delayed, a phenomenon, for which there can be no logical explanation except that of an administrative sluggishness, bordering on paralysis."

In part III, the authors make a number of detailed suggestions for improving the machinery and procedures of governmental organisations which have to deal with applications from the public. Pointing out some procedural deficiencies in this connection, they make the following recommendations for improving the governmental machinery.

#### *State Level*

The Secretary to Government in a Secretariat Department and the Head of the Department in the Attached and Subordinate Offices should be the Ex-officio Grievance Officer for that particular Department to act as "internal Critic" and to perform the following functions:—

- (i) To ensure prompt and judicious disposal of applications, petitions, etc., from the public;
- (ii) To ensure that the Government instructions for redress of public grievances are communicated, and carried out properly;
- (iii) To undertake enquiries in special cases of undue delay;

(iv) To guide the officers in the departments in regard to the disposal of public complaints;

(v) To study causes of major grievances and take remedial measures;

(vi) To review rules regulations and procedures in the light of their actual working and, if any of them is found to hinder quick redressal of public grievances to suggest such modifications as he may consider necessary.

#### *District Level and Below*

The authors recommend that the District Collector/Deputy Commissioner should be designated as the ex-officio Grievance Officer at the District Level. His functions at the District Level, should *mutatis mutandis*, be the same as that of the Head of the Department as ex-officio Grievance Officer. Being the Head of the District Administration he, in addition, would be entrusted with specific powers to supervise and guide the work of other departments in the District in respect of redressal of citizens' grievances.

The authors have given details of the procedure which, in their view, should be adopted for handling applications from public. They suggest that the applications from citizens should be allotted one of the following categories, depending upon the kind of action needed for their disposal. The applications should be finally disposed of within the time limit indicated against each category.

(i) Category A. Simple-Routine (acknowledgement, asking for furnishing simple information, asking for or furnishing forms, or documents for public use, application of simple rules, precedents, etc.)—15 days.

(ii) Category B. Complex (matters involving policy issues, relaxation of rules, etc.)—30 days.

Where other offices have to be consulted, or where report has to be called for from subordinate offices, the period for disposal of an application should be regarded as double the period indicated above.

Part IV of the Book contains a number of Appendices which, *inter alia*, give a summary of the authors' findings, recommendations and suggestions, gist of points made in reports of various Administrative Reforms Committees and model guidelines for handling applications from the public.

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###### *Committee on Offices of Profit*

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###### *Committee on Petitions*

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###### *Committee on Subordinate Legislation*

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Hundred and Twentieth Report of the Public Accounts Committee (Fourth Lok Sabha), 1969-70—Audit Report (Commercial), 1968 and Audit Report (Civil), 1969 relating to Films Division—Ministry of Information and Broadcasting.

Hundred and Twenty-first Report of the Public Accounts Committee (Fourth Lok Sabha), 1969-70 — Charitable and Religious Trusts.

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*Public Undertakings Committee* . . . . .

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Sixty-sixth Report of the Committee on Public Undertakings (Fourth Lok Sabha), 1969-70 — Indian Oil Corporation Ltd. (Pipelines Division).

Sixty-seventh Report of the Committee on Public Undertakings (Fourth Lok Sabha), 1969-70 — Production Management in Public Undertakings.

Sixty-eighth Report of the Committee on Public Undertakings (Fourth Lok Sabha), 1969-70 — Bokaro Steel Ltd.

Sixty-ninth Report of the Committee on Public Undertakings (Fourth Lok Sabha), 1969-70 — Air India.

Seventieth Report of the Committee on Public Undertakings (Fourth Lok Sabha), 1969-70 — India Tourism Development Corporation.

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### ASSAM

#### *Legislative Assembly*

##### *Employment Review Committee*

First Report of the Employment Review Committee, April, 1970.  
*GOA, DAMAN AND DIU*

#### *Legislative Assembly*

##### *Committee on Delegated Legislation*

Second Report of the Committee on Delegated Legislation (1969-70) (April 1970).

##### *Committee on Government Assurances*

Fourth Report of the Committee on Government Assurances (1969-70) (March 28, 1970).

Fifth Report of the Committee on Government Assurances (1969-70) (March 28, 1970).

##### *Public Accounts Committee*

Fourth Report of the Public Accounts Committee (1969-70) on the Audit Report, 1969 (March 25, 1970).

### GUJARAT

#### *Vidhan Sabha*

##### *Committee on Government Assurances*

Fourth Report of the Committee on Government Assurances (Assurances given during 1st and 2nd Session of 1968) (1970).

##### *Public Accounts Committee*

Third Report of the Public Accounts Committee (Third Assembly) (On Audit Report on District and Taluka Panchayats Accounts for the year 1963-64) (February 25, 1970).



Vice President G. S. Pathak welcoming the President. Sitting on either side of the President are the Prime Minister Shrimati Indira Gandhi and Speaker of Lok Sabha, Dr. G. S. Dhillon.



President V. V. Giri laying the foundation-stone of the Sansadiya Soudha.



A side view of the model of Sansadiya Soudha.

**HARYANA**

*Vidhan Sabha*

*Committee on Government Assurances*

Second Report of the Committee on Government Assurances (1969-70) (February 13, 1970).

*Committee on Subordinate Legislation*

Report of the Committee on Subordinate Legislation, 1969-70 (February 6, 1970).

*Estimates Committee*

Second Report of the Estimates Committee on the Budget Estimates for 1969-70 (i) Forest Department (ii) Excise and Taxation Department (iii) Education Department (iv) Haryana State Electricity Board (v) Public Works Department Building and Roads Branch; and (vi) Haryana State Soldiers' Sailors' and Airmen's Board (February 13, 1970).

**JAMMU AND KASHMIR**

*Legislature*

*Public Accounts Committee*

Seventh Report (Part I) of the Public Accounts Committee—Appropriation Accounts 1965-66 and 1966-67 and Audit Report on the Accounts for 1965-66 and Audit Report, 1968 (October 1, 1969).

**KERALA**

*Legislature*

*Public Accounts Committee*

Second Report of the Committee on Public Accounts (1969-70) Appropriation Accounts 1967-68, Finance Accounts 1967-68 and Audit Report, 1969 relating to the Government of Kerala (March 1970).

Third Report of the Committee on Public Accounts 1969-70 Appropriation Accounts 1967-68, Finance Accounts 1967-68 and Audit Report, 1969 relating to Agriculture, Development and Labour and Social Welfare Departments (March 1970).

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*Committee on Petition*

Fifth Report of the Committee on Petition (February 16, 1970).

**MAHARASHTRA***Legislative Assembly**Committee on Government Assurances*

Fourteenth Report of the Committee on Government Assurances  
(1969-70) (April 10, 1970).

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(1969-70) (April 10, 1970).

*Committee on Subordinate Legislation*

Tenth Report of the Committee on Subordinate Legislation (April  
23, 1970).

*Public Accounts Committee*

Thirteenth Report of the Public Accounts Committee (1969-70)—  
Appropriation Accounts of the Government of Maharashtra for the  
year 1967-68 and Audit Report thereon (April 24, 1970).

*Legislative Council**Committee on Government Assurances*

Thirtieth Report of the Committee on Government Assurances  
(1969-70) (April 2, 1970).

Thirty-first Report of the Committee on Government Assurances  
(1969-70) (April 2, 1970).

**MYSORE***Legislative Council**Committee on Government Assurances*

Sixth Report of the Committee on Government Assurances (April  
2, 1970).

**NAGALAND**

*Legislative Assembly*

*Committee on Government Assurances*

Eighth Report on Government Assurances of the Thirteenth Session of the First Assembly (March 12, 1970).

Ninth Report on Government Assurances of the First Session of the Second Assembly (March 12, 1970).

*Public Accounts Committee*

Seventh Report of the Public Accounts Committee (1969-70). The excess expenditure revealed in the Appropriation Accounts 1966-67 and Audit Report 1968 relating thereto (December 4, 1969).

Ninth Report of the Public Accounts Committee on Appropriation Accounts 1966-67 and Audit Report 1968 (March 19, 1970).

**PONDICHERY**

*Legislative Assembly*

*Committee on Delegated Legislation*

Second Report of the Committee on Delegated Legislation (1969-70) (February 18, 1970).

*Committee on Government Assurances*

First Report of the Committee on Government Assurances (1969-70), (April, 9, 1970).

*Public Accounts Committee*

First Report of the Committee on Public Accounts (1969-70) Appropriation and Finance Accounts for 1965-66 and Audit Report, 1965-66 (July 18, 1969).

Second Report of the Committee on Public Accounts 1969-70 Appropriation and Finance Accounts for 1966-67 and Audit Report, 1968. (February 28, 1970).



**PUNJAB***Vidhan Sabha*

Report of the Ad hoc Committee appointed to enquire into the matter relating to the entry of Police Outsiders in the House on the 18th March, 1968 (1970).

*Committee on Government Assurances*

Thirteenth Report of the Committee on Government Assurances (1969-70) (March 10, 1970).

*Public Accounts Committee*

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Twenty-Seventh Report of the Public Accounts Committee, 1969-70 on the Appropriation Accounts of the Punjab Government for the year 1964-65 and 1965-66 and the Audit Report 1966 and 1967 (March 25, 1970).

Twenty-Eighth Report of the Public Accounts Committee, 1969-70 on the Appropriation Accounts of the Punjab Government for the years 1966-67 and 1967-68 and Audit Reports 1968 and 1969 (March 12, 1970).

**RAJASTHAN***Legislative Assembly**Committee on Petition*

Seventh Report of the Committee on Petition (Fourth Legislative Assembly) (August 5, 1969).

*Committee on Subordinate Legislation*

Eighth Report of the Committee on Subordinate Legislation (August 7, 1969).

**TAMILNADU**

*Legislative Assembly*

*Committee on Government Assurances*

Fifth Report of the Committee on Government Assurances (March 26, 1970).

*Committee on Subordinate Legislation*

Fifth Report of the Committee on Subordinate Legislation (March 30, 1970).

*Public Accounts Committee*

Report of the Committee on Public Accounts (1969-70) on the Accounts of the State of Tamil Nadu for the year 1966-67 (March 26, 1970).

**UTTAR PRADESH**

*Legislative Assembly*

*Committee on Delegated Legislation*

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*Committee on Government Assurances*

Fifth Special Report of the Committee on Government Assurances (February, 1970).

**WEST BENGAL**

*Vidhan Sabha*

*Committee on Rules*

First Report of the Committee on Rules (January 22, 1970).

**C. FOREIGN**

**AUSTRALIA**

*Parliament*

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*Select Committee on Members' Interests (Declaration)*

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*Select Committee on Science and Technology*

Fourth Special Report from the Select Committee on Science and Technology, Session 1969-70 (January 28, 1970).

*Select Committee on Statutory Instruments*

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## APPENDIX I

## I. Statement showing the activities of the Houses of Parliament State Legislature during the period 1st January to 30th April, 1970

Session held	Legislation		Questions					Committee that met			
	Govt. Bills Passed	Private members Bills Passed	Started	Unstarred	Short Notices	Names	Sitting held	No. of reports presented			
1	2	3	4	5	6	7	8	9	10	11	12
			Recd.	Admtd.	Recd.	Admtd.	Recd.	Admtd.			
One (Tenth Session) from 20th February, to 20th May, 1970.	26		31,395	1,770*	1,424	10,454**	1874	37	1. Committee on Government Assurances.	5	1
									2. Committee on Private Members Bills and Resolutions	6	6
									3. Business Advisory Committee.	26	21
									4. Committee on Public Undertakings.	23	12
									5. Estimates Committee	24	15
									6. Public Accounts Committee.	10	17

Lok Sabha@

7. Committee on the Welfare of Scheduled Castes and Scheduled Tribes.	4
8. Joint Committee, Chairman, House Committees of both the Houses of Parliament.	2
9. Railway Convention Committee	1
10. Library Committee	1
11. Library Sub-Committee	1
12. Committee on subordinate Legislation.	4
13. Joint Committee on Offices of Profit	3
14. Joint Committee on the Commissions of Inquiry (Amendment) Bill, 1969.	1
15. Joint Committee on the Comptroller and Auditor General's (Duties Powers and Conditions of Service) Bill, 1969.	3
16. Select Committee on the Advocates (Second Amendment) Bill, 1968, as passed by Rajya Sabha.	2

\*Includes 11 Short Notice Questions admitted as Starred Questions.  
 \*\*Includes 9624 Starred Questions admitted as Unstarred Questions.  
 @From 1st March to 31st May, 1970.  
 £From 20th Feb. to 31st May, 1970.



6. Joint Committee on the Medical Termination of pregnancy Bill, 1969. 2

(Aardra Pradesh Legislative Council)

One (Sixteenth session— thirty days)	11	..	279	194	65	27	1. Committee of privileges	2
							2. Assurances Committee	3

Aardra Pradesh Legislative Assembly

One (from 9th Feb. to 3rd April, 1970—39 days) 1

10	885	333	30†	389	76	1. Estimates Committee	12	2
					169‡	2. Subordinate legislation Committee.	5	
						3. Committee on Govt. Assurances	2	
						4. Privileges Committee	1	..

\* Includes starred questions admitted as unstarred questions

\*\* Including two clubbed.

† Starred notices admitted as unstarred

‡ Short notice questions admitted as ordinary starred question.

‡ From 1st March to 31st May 1970.

1	2	3	4	5	6	7	8	9	10	11	12
<b>Bihar Legislative Council</b>											
One (From 16th March to 14th April, 1970—13 days)	3		286	232		15	36	22		3	3
									1. Business Advisory Committee.		8
									2. Subordinate Legislation Committee.	3	3
									3. Library Committee.	2	
									4. Assurance Committee.	3	
									5. Public Accounts Committee.	1	
									6. Petition Committee.	3	
									7. Public Undertakings Committee.	2	
									8. Private Members Bills and Resolutions Committee.	2	1
									9. Privileges Committee.	2	1
									10. Rules Committee.	1	
									11. Housing Committee.	1	
<b>Bihar Legislative Assembly</b>											
One (From 16th March to 11th April, 1970—12 days)	3		688	548	500	400	508	294		2	2
									1. Business Advisory Committee.	..	3
									2. Estimates Committee.	51	..
									3. Estimates Sub-Committee.	..	..

4. Public Accounts Committee.	26
5. Public Undertakings Committee.	9
6. Government Assurances Committee.	10
7. Rules Committee	2
8. Committee on Delegated Legislation.	4
9. Privileges Committee	3
10. Committee on Petitions	4
11. House Committee	2
12. Press Gallery Committee	2

Giurati Legislative Assembly

1. One (From 18th Feb. to 28th March, 1970 —29 sittings).

6	3625	1835	492	197	99	28	1. Business Advisory Committee.	4	4
							2. Committee on Private Member's Business.	2	2
							3. Committee on Absence of Members.	1	1
							4. Committee on Govt. assurances.	5	1
							5. Estimates Committee	5	5



9. Committee on Sub ordinate Legislation. 10 1

Jammu and Kashmir Legislative Council

Two (Summoned... on 26th Feb. and pro- rogued on 14th March, 1970—10 sittings).

5	541	486	153	129	1.	Committee on Govt. Assurances.	2	..
					2.	House Committee	1	..
					3.	Library Committee	1	..
					4.	Privileges Committee	1	..
					5.	Committee on Petitions	1	..
					6.	Rules Committee	1	
					7.	Committee on Subor- dinate Legislation	1	

Jammu and Kashmir Legislative Assembly

Two (From 26th Feb. to 12th March, 1970)

From 28th March to 31st March, 1970.

2	..	720	583	371	287	4	1	1.	Assurance Committee	3	1
								2.	Business Advisory Com- mittee.	1	
								3.	Committee on Public Under takings.	4	1
								4.	Committee on Petitions	1	1

\* Presented to the Speaker,





2. Committee on Estimates.	12	3
3. Committee on privileges.	1	1
4. Committee on Petitions.	4	1
5. Special Committee	3	4
6. Committee on subordinate legislation.	8	1
7. Committee on Public Accounts.	12	7
8. Committee on Public Undertakings.	3	1
9. Committee on Private Members' Bills and Resolutions.	2	2

One (From 7th January to 17th January, 1970 and from 26th Feb. to 18th March, 1970—22 days)

Madhya Pradesh Vidhan Sabha

1. Estimates Committee.	3	1
2. Committee on Private Members' Bills and Resolutions.	2	1
3. Committee on Govt. Assurances.	2	1
4. Committee on Privileges.	4	2
5. Public Accounts Committee.	5	1
6. Business Advisory Committee.	5	3



## Appendices

4. Committee on Government Assurances (Council)	8	2
5. Committee on Public undertakings.	11	1
6. Accommodation Committee.	1	—
7. Catering Committee.	4	—
8. Committee on subordinate Legislation.	3	1
9. Business Advisory Committee (Assembly.)	9	2
10. Business Advisory Committee (Council.)	5	5
11. Committee on Private Members' Bills and Resolutions (Assembly)	10	10
12. Committee on Private Members' Bills and Resolutions (Council)	7	7
13. Joint Committee on the Bombay Public Trust (Amendment) Bill, 1970.	1	—
14. Rules Committee.	1	—
15. Petitions Committee (Assembly.)	9	1

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\*Combined information given in the statement relating to the Assembly.

1	2	3	4	5	6	7	8	9	10	11	12
<b>Mysore Legislative Council</b>											
	12	—	178	167	9	9	19	12			
One (From 19th January to 6th Feb., 23rd Feb., 14th March and 26th March to 4th April, 1970—37 sittings)									1. Business Advisory Committee . . . . .	1	—
									2. Committee on Government Assurances . . . . .	2	1
									3. House Committee . . . . .	5	—
									4. Library Committee . . . . .	1	—
									5. Committee on Public Accounts . . . . .	10	—
									6. Committee on Public Undertakings . . . . .	4	—
									7. Committee on Welfare of Scheduled Castes and Scheduled Tribes . . . . .	5	—
									8. Committee on subordinate legislation . . . . .	3	—
<b>Mysore Legislative Assembly</b>											
	12	492	432	124	109	97	28				
One (From 19th Jan. to 5th February and 23rd Feb. to 4th April, 1970—46 sittings)									1. Business Advisory Committee . . . . .	3	3
									2. Committee on Estimates . . . . .	12	—

Appendices

3. Committee on Govt. Assurances . . . . .	3	..	..
4. Committee on Petitions . . . . .	1	..	..
5. Committee on Private Members' Bills and Resolutions . . . . .	1	1	1
<i>Joint Committees</i>			
6. House Committee . . . . .	5		
7. Library Committee . . . . .	1		
8. Committee on Public Accounts . . . . .	10		
9. Committee on Public Undertakings . . . . .	4		
10. Committee on Subordinate Legislation . . . . .	3	..	..
11. Committee on the Welfare of Scheduled Castes & Scheduled Tribes . . . . .	5	..	..
<i>Nagaland Legislative Assembly</i>			
One (Fifteen Days) . . . . .	3	229	150
		101*	131*
		..	..
1. Business Advisory Committee . . . . .	1		
2. Estimates Committee . . . . .	8		
3. Govt. Assurances Committee . . . . .	1		
4. House Committee . . . . .	1		
5. Library Committee . . . . .	1		
6. Public Accounts Committee . . . . .	1	?	?
7. Petitions Committee . . . . .	2	1	1
8. Rules Committee . . . . .	2		
9. Subordinate Legislation Committee . . . . .	1		
Starred Questions into Unstarred Questions and			

\*The number of received and Admitted Unstarred Questions vary due to Conversion of some Question had to be split into two/three which bear different subjects.

	1	2	3	4	5	6	7	8	9	10	11	12
<b>Orissa Legislative Assembly</b>												
One (From 24th January to 8th April, 1970—32 sitting days)		12		2718	2261	975	859	370	114		11	3
									1. Committee on Public Accounts . . . . .			
									2. Committee on Estimates . . . . .		8	1
									3. Committee on Public Undertakings . . . . .		8	1
									4. Committee on Petitions . . . . .		2	..
									5. Committee on Govt. Assurances . . . . .		3	1
									6. Committee on Subordinate Legislation . . . . .		6	1
<b>Punjab Vidhan Sabha</b>												
One (From 19th January to 30th March, 1970—24 sittings*)		2	..	1271	928	390	303	13	2		18	3
									1. Public Accounts Committee . . . . .			
									2. Committee on Estimates . . . . .		14	2
									3. Committee on Government Assurances . . . . .		12	1
									4. Committee on Subordinate Legislation . . . . .		5	..
									5. Committee on Privileges . . . . .		1	..

## Rajasthan Legislative Assembly

Two (From 15th Jan. to 29th Jan., 1970—9 sittings) 13

† 31

(From 9th March to 14th April, 1970—28 sittings)

6. Business Advisory Committee	4	4
7. Ad-hoc Committee	2	1
8. Rules Committee	1	1
9. Library Committee	5	..
10. House Committee	1	..
1. Public Accounts Committee	18	2
2. Estimates Committee	10	2
3. Committee on Govt. Undertakings	22	8
4. Committee of Privileges	7	3
5. Committee on Petitions	15	3
6. Committee on subordinate Legislation	9	2
7. Committee on Govt. Assurances	18	1
8. Business Advisory Committee	6	6
9. Select Committee on the Rajasthan Urban Land Tax (Amendment) Bill, 1968	1	..

## Appendices

\* Excluding the one when Governor addressed the Punjab Vidhan Sabha.  
 † None replied as short Notice.





Tamil Nadu Legislative Assembly

One (From 20th Jan. to 28th Jan., 1970 and 25th Feb. to 9th April 1970—41 days)

17	2823	1408	..	281†	118	13	1. Committee on Estimates (including tours)	14	8
							2. Committee on Public Accounts	3	2
							3. Committee on Govt. Assurances	1	1
							4. Committee on Subordinate legislation	3	2
							5. Committee of privileges	5	2

Uttar Pradesh Vidhan Parishad

One (From 26th February to 21st March, 1970—13 sittings)

6	993	754	35	35	24	6	1. Committee on Public Undertakings	8	..
							2. Privileges Committee	7	2
							3. Business Advisory Committee	5	..
							4. Committee on Compilation of Rulings	6	..
							5. Assurances Committee	5	1

\*Bills transmitted by the Assembly for concurrence or recommendation as the case may be.  
†Notices of Starred Questions admitted as Unstarred.



6. Estimates Committee	20	2
7. Public Accounts Committee	22	2
8. Committee on Privileges	5	3

West Bengal Legislative Assembly

One (From 21st Jan. to 10th March, 1970—27 sittings)

18	1617	858	633	708†	49	9
						1. Business Advisory Committee
						2. Committee on Rules

Goa, Daman & Diu Legislative Assembly

One (From 27th February to 15th April, 1970—29 sittings).

10	750	561	24	24	17	10
						1. Public Accounts Committee
						2. Select Committee
						3. Estimates Committee
						4. Government Assurances Committee
						5. Committee on Delegated Legislation

\*748 Questions admitted as Starred and 153 questions admitted as unstarred.

\*\*139 admitted as short notices, 628 as starred and 38 as unstarred.

†A few notices of starred questions received were subsequently treated as Unstarred.

1	2	3	4	5	6	7	8	9	10	11	12
<b>Himachal Pradesh Legislative Assembly</b>											
Two (From 13th February to 19th Feb., 1970—5 sittings)	8	1009	600	351	351	12	8	1. Public Accounts Committee.			
(From 10th March to 6th April, 1970—17 sittings)									Full Committee	10	7
									Sub Committee	5	..
									2. Estimates Committee	16	4
									3. Assurances Committee	5	1
									4. Petitions Committee	4	1
									5. Delegated Legislation Committee	6	1
									6. Business Advisory Committee	4	4
									7. Library Committee	2	..
									8. House Committee	5	..
									9. Privileges Committee	2	1
<b>Pondicherry Legislative Assembly</b>											
Two (17th January 1970—1 sitting)	28	170	163	39	38	7	7	1. Business Advisory Committee		1	1
(From 25th March to 10th April, 1970—14 sittings)								2. Committee on Public Accounts		3	2

3. Committee on Estimates	10	4
4. Committee on Govt. Assurances	3	1
5. Committee on Delegated Legislation	3	2
6. Committee on Privileges.	2	..

Tripura Legislative Assembly

Two  
(From 6th Feb. to  
16th Feb. 1970—6  
sittings)

8 . . .	670	550	9	9	13	11*	1
1. Committee on Privileges							1
2. Committee on Public Accounts							13
3. Committee on Absence of Members from the sittings of the House							1
4. Committee on Estimates							6
5. Business Advisory Committee							2
5. Committee on Delegated Legislation							2
7. Committee on Petition.							1
8. Library Committee							3
9. House Committee							1
10. Rules Committee							1
11. Select Committee							4

\*Including 8 as starred question

## APPENDIX II

*List of Bills passed by the Houses of Parliament and Assented to by the President during the period 1st March to 31st May, 1970*

Sl. No.	Title of the Bill	Date of Assent by the President
1.	The requisitioning and Acquisition of Immovable Property (Amendment) Bill, 1970 . . . . .	11-3-70
2.	The Union Duties of Excise (Distribution) Amendment Bill, 1970 . . . . .	22-3-70
3.	The Additional Duties of Excise (Goods of Special Importance) Amendment Bill, 1970 . . . . .	22-3-70
4.	The Appropriation (Vote on Account) Bill, 1970 . . . . .	28-3-70
5.	The Banking Companies (Acquisition and Transfer of Undertakings) Bill, 1970 . . . . .	31-3-70
6.	The Press Council (Amendment) Bill, 1970 . . . . .	31-3-70
7.	The Appropriation Bill, 1970 . . . . .	31-3-70
8.	The Manipur Appropriation Bill, 1970 . . . . .	31-3-70
9.	The Manipur Appropriation (No. 2) Bill, 1970 . . . . .	31-3-70
10.	The West Bengal Appropriation (Vote on Account) Bill, 1970 . . . . .	31-3-70
11.	The West Bengal Appropriation Bill, 1970 . . . . .	31-3-70
12.	The Appropriation (Railways) Bill, 1970 . . . . .	31-3-70
13.	The Appropriation (Railways) No. 2 Bill, 1970 . . . . .	31-3-70
14.	The Essential Commodities (Amendment) Continuance Bill, 1970 . . . . .	31-3-70
15.	The Calcutta Port (Amendment) Bill, 1970 . . . . .	31-3-70
16.	The Haryana and Punjab Agricultural Universities Bill, 1970 . . . . .	2-4-70
17.	The West Bengal State Legislative (Delegation of Powers) Bill, 1970 . . . . .	29-4-70
18.	The Appropriation (No. 2) Bill, 1970 . . . . .	10-5-70
19.	The Finance Bill, 1970 . . . . .	14-5-70

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Sl. No.	Title of the Bill	Date of Assent by the President
20.	The Contingency Fund of India (Amendment) Bill, 1970	21-5-70
21.	The Central Silk Board (Amendment) Bill, 1970 .	23-5-70
22.	The Tea (Amendment) Bill, 1970 . . . . .	23-5-70
23.	The Indian Soldiers (Litigation) (Amendment) Bill, 1970 .	29-5-70
24.	The Petroleum (Amendment) Bill, 1970 .	29-5-70
25.	The Merchant Shipping (Amendment) Bill, 1970 .	31-5-70
26.	The North-Eastern Council, Bill, 1970 . . . . .	31-5-70

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## APPENDIX III

*Subject-wise list of Bills passed by the State Legislatures during the period 1st January to 30th April, 1970.*

**Administration****ANDHRA PRADESH**

The Andhra Pradesh Preventive Detention Bill, 1970.

The Gajapathinagram Taluk and Ongole District (Formation) Bill, 1970.

The Andhra Pradesh Payment of Salaries and Revival of Disqualification (Amendment) Bill, 1970.

**HARYANA**

The Punjab Town Improvement (Haryana Amendment & Validation) Bill, 1970.

The Punjab Instruments (Control of Noises) Haryana Amendment Bill, 1970.

**KERALA**

The Kerala Public Service Commission (Additional Functions as Respects the Kerala State Road Transport Corporation) Bill, 1970.

The Kerala Public Services (Amendment) Bill, 1970.

**MADHYA PRADESH**

The Madhya Pradesh Public Security (Amendment) Bill, 1970.

The Madhya Pradesh Distillery (Amendment) Bill, 1970.

The Madhya Pradesh Government Servants (Age of Superannuation) Amendment Bill, 1969.

**MAHARASHTRA**

The Maharashtra Religious Endowments (Reconstruction on Resettlement Sites) Bill, 1970.

The Maharashtra Preventive Detention Bill, 1970.

The Bombay Police (Amendment) Bill, 1970.

**MYSORE**

The city of Bangalore Improvement (Amendment) Bill, 1970.

**ORISSA**

The Orissa Preventive Detention Bill, 1970.

The Orissa Public Premises (Eviction of unauthorised occupants) (Amendment) Bill, 1970.

**RAJASTHAN**

The Rajasthan Public Premises (Eviction of unauthorised occupants) (Amendment) Bill, 1970.

**UTTAR PRADESH**

The U.P. Hindu Public Religious Institution (Prevention of Misuse of Property) (Provisional Rights) (Continuance) Bill, 1969.

Electricity (Temporary Powers of Central) (Continuance) Bill, 1969.

The U.P. Fundamental Rules 56 (Amendment & Validation) Bill, 1970.

The U.P. Muslim Waqf (Amendment) Bill, 1970.

The Uttar Pradesh Gift Commodities Bill, 1970.

**WEST BENGAL**

The West Bengal Markets Regulation Bill, 1970.

The Oriental Gas Company (Amendment) Bill, 1970.

The West Bengal Separation of Judicial and Executive Functions Bill, 1970.

**PONDICHERRY**

The Pondicherry Settlement Bill, 1970.

The Registration (Pondicherry Amendment) Bill, 1970.

The Pondicherry Patents (Abolition) Bill, 1970.

The Pondicherry Monts de pieté Institutions (Abolition) Bill, 1970.

**TRIPURA**

The Tripura Shops & Establishment Bill, 1970.

**Cooperation****ANDHRA PRADESH**

The Andhra Pradesh Cooperative Societies (Amendment) Bill, 1970.

**HARYANA**

The Punjab Cooperative Societies (Haryana Amendment) Bill, 1970.

**MADHYA PRADESH**

The Madhya Pradesh Cooperative Societies (Amendment) Bill, 1970.

**ORISSA**

The Orissa cooperative Societies (Amendment) Bill, 1970.

**WEST BENGAL**

The Bengal Cooperative Societies (Amendment) Bill, 1970.

**GOA, DAMAN & DIU**

The Maharashtra Cooperative Societies (First Goa, Daman & Diu Amendment) Bill, 1970.

**Education****HARYANA**

The Haryana Board of School Education (Amendment) Bill, 1970.

**KERALA**

The Kerala University (Amendment) Bill, 1969.

**MADHYA PRADESH**

Audesh Pratap Singh University (Special Provision for the election of Registered Graduates for the Sabha) Bill, 1969.

**UTTAR PRADESH**

The U.P. University (Amendment) Bill, 1969.

**WEST BENGAL**

- The Calcutta University (Amendment) Bill, 1970.
- The Burdwan University (Amendment) Bill, 1970.

**HIMACHAL PRADESH**

- The Himachal Pradesh University Bill, 1970.

**Finance**

**ANDHRA PRADESH**

- The Andhra Pradesh Appropriation Bill, 1970.
- The Andhra Pradesh Appropriation (No. 2) Bill, 1970.
- The Andhra Pradesh Appropriation (No. 3) Bill, 1970.
- The Andhra Pradesh General Sales Tax (Amendment) Bill, 1970.

**BIHAR**

- Bihar Appropriation Bill, 1970.
- Bihar Appropriation (Vote on Account) Bill, 1970.

**GUJARAT**

- The Gujarat Appropriation Bill, 1970.
- The Gujarat (Supplementary) Appropriation Bill, 1970.
- The Bombay Stamp (Gujarat Amendment) Bill, 1970.
- The Gujarat Sales Tax Bill, 1969.

**HARYANA**

- The Haryana Appropriation Bill, 1970.
- The Haryana Appropriation (No. 2) Bill, 1970.
- The Punjab Passengers and Goods Taxation (Haryana Amendment) Bill, 1970.
- The Punjab General Sales Tax (Haryana Amendment) Bill, 1970.
- The Punjab Motor Vehicles Taxation (Haryana Amendment) Bill, 1970.
- The Punjab Professions, Trades, Callings and Employments Taxation (Haryana Amendment) Bill, 1970.

**JAMMU & KASHMIR**

The Jammu & Kashmir Appropriation Bill, 1970.

The Jammu & Kashmir Appropriation Bill (No. 2) 1970.

**KERALA**

The Kerala Appropriation Bill, 1970.

The Kerala Appropriation Bill (No. 2) 1970.

The Kerala Appropriation Bill (No. 3) 1970.

The Kerala Motor Vehicles (Taxation of Passengers and goods) (Amendment) Bill, 1970.

**MADHYA PRADESH**

The Madhya Pradesh Appropriation Bill, 1970.

The Madhya Pradesh Appropriation (No. 2) Bill, 1970.

The Madhya Pradesh Motor Vehicles (Goods Tax) Amendment Bill, 1969.

The Madhya Pradesh General Sales-tax (Amendment) and Validation) Bill, 1969.

The Madhya Pradesh Motor Spirit Sales Tax (Amendment) Bill, 1969.

**MAHARASHTRA**

The Maharashtra Appropriation (Vote on Account) Bill, 1970.

The Maharashtra Appropriation Bill, 1970.

The Maharashtra Supplementary Appropriation Bill, 1970.

The Bombay Sales Tax (Amendment) Bill, 1970.

**MYSORE**

The Mysore Appropriation Bill, 1970.

The Mysore Appropriation Bill (No. 2) 1970.

The Mysore Appropriation (No. 3) Bill, 1970.

The Mysore Sales Tax (Amendment) Bill, 1970.

The Mysore Excise (Amendment) Bill, 1970.

The Mysore Electricity (Taxation on Consumption) (Amendment) Bill, 1970.

**NAGALAND**

- The Nagaland Appropriation (No. 1) Bill, 1970.
- The Nagaland Appropriation (No. 2) Bill, 1970.
- The Nagaland Appropriation (No. 3) Bill, 1970.

**ORISSA**

- The Orissa Appropriation Bill, 1970.
- The Orissa Appropriation (No. 2) Bill, 1970.
- The Orissa Appropriation (No. 3) Bill, 1970.
- The Orissa Appropriation (No. 4) Bill, 1970.
- The Orissa Electricity (Duty) Amendment Bill, 1970.
- The Indian Stamp (Orissa Amdt.) Bill, 1970.
- The Orissa Cess (Amendment) Bill, 1968.

**PUNJAB**

- The Punjab Appropriation Bill, 1970.
- The Punjab Appropriation (No. 2) Bill, 1970.

**RAJASTHAN**

- The Rajasthan Appropriation (No. 2) Bill, 1970.
- The Rajasthan Appropriation (No. 3) Bill, 1970.
- The Rajasthan Entertainments and Advertisements Tax (Amendment) Bill, 1970.
- The Rajasthan Passengers and Goods Tax (Amendment) Bill, 1970.

**TAMIL NADU**

- The Tamil Nadu Appropriation Bill, 1970.
- The Tamil Nadu Appropriation (No. 2) Bill, 1970.
- The Tamil Nadu Appropriation (No. 3) Bill, 1970.
- The Tamil Nadu Additional Sales Tax Bill, 1970.
- The Tamil Nadu General Sales Tax (Amendment) Bill, 1970.
- The Tamil Nadu General Sales Tax (Second Amendment) Bill, 1970.
- The Tamil Nadu Sales of Motor Spirit Taxation (Amendment) Bill, 1970.

The Tamil Nadu Sales of Motor Spirit Taxation (Second Amendment) Bill, 1970.

The Tamil Nadu Entertainments Tax and Local Authorities Finance (Amendment) Bill, 1970.

The Tamil Nadu Electricity Duty (Amendment) Bill, 1970.

#### UTTAR PRADESH

The U.P. Appropriation (Vote on Account) Bill, 1970.

The U.P. Appropriation (Supplement of 1969-70) Bill, 1970.

The U.P. Sales-tax (Amendment and Validation) Bill, 1970.

The U.P. Collection of Taxes and other Public Money (Amendment and Validation) Bill, 1970.

The U.P. Excise (Amendment and Validation) Bill, 1970.

#### WEST BENGAL

The Bengal Motor Spirit Sales Tax (Amendment) Bill, 1970.

The Bengal Finance (Sales-tax) (Amendment) Bill, 1970.

The Bengal Finance (Sales-tax) (Second Amendment), Bill, 1970.

#### GOA, DAMAN & DIU

The Goa, Daman & Diu Appropriation (Vote on Account) Bill, 1970.

The Goa, Daman & Diu Appropriation Bill, 1970.

The Goa, Daman & Diu Supplementary Appropriation Bill, 1970.

Himachal Pradesh Appropriation Bill, 1970.

The Himachal Pradesh Appropriation (Vote on Account) Bill, 1970.

The Himachal Pradesh Entertainment Duty (First Amendment) Bill, 1970.

#### PONDICHERRY

The Appropriation (No. I) Bill, 1970.

The Appropriation (No. II) Bill, 1970.

The Appropriation (No. III) Bill, 1970.

The Appropriation (Vote on Account) Bill, 1970.

The Indian Stamp (Pondicherry Amendment) Bill, 1970.

The Pondicherry Excise Bill, 1970.

The Pondicherry Motor Vehicles Taxation (Amendment) Bill, 1970.

The Pondicherry General Sales Tax (Amendment) Bill, 1970.

The Pondicherry General Sales Tax (Second Amendment) Bill, 1970.

The Pondicherry General Sales Tax (Third Amendment) Bill, 1970.

The Pondicherry Contingency Fund (Amendment) Bill, 1970.

The Pondicherry Money Lenders Bill, 1970.

**TRIPURA**

The Appropriation Bill, 1970.

The Appropriation (No. 3) Bill, 1970.

The Appropriation (No. 4) Bill, 1970.

The Appropriation (Vote on Accounts) (No. 2) Bill, 1970.

**Housing**

**MAHARASHTRA**

The Bombay Building Repairs and Reconstruction Board (Amendment) Bill, 1970.

**RAJASTHAN**

The Rajasthan Housing Board Bill, 1970.

**UTTAR PRADESH**

The U.P. (Temporary) Control of Rent and Eviction (Continuance) Bill, 1970.

**WEST BENGAL**

The West Bengal Premises Tenancy (Amendment) Bill, 1970.

**PONDICHERRY**

The Pondicherry Buildings (Lease and Rent Control) (Amendment) Bill, 1970.

**Industrial Development**

**WEST BENGAL**

The Bengal State Aid to Industries (Amendment) Bill, 1970.



**PONDICHERRY**

The Pondicherry State Aid to Industries Bill, 1969.

**Labour****KERALA**

The Kerala Industrial Employees' Payment of Gratuity Bill, 1970.

**RAJASTHAN**

The Industrial Disputes (Rajasthan Amendment) Bill, 1970.

The Payment of Wages (Rajasthan Amendment) Bill, 1969.

**TAMIL NADU**

The Tamil Nadu Industrial Establishments (National and Festival Holidays) Amendment Bill, 1970.

**PONDICHERRY**

The Payment of Wages (Pondicherry Amendment) Bill, 1969.

The Pondicherry Industrial Establishment (National and Festival Holidays) (Amendment) Bill, 1969.

**Land and Agriculture****ANDHRA PRADESH**

The Andhra Pradesh Sugar Cane (Regulation of Supply and Purchase) Amendment Bill, 1970.

The Andhra Pradesh (Andhra Area) Tenancy (Amendment) Bill, 1970.

**BIHAR**

Bihar Land—rent (Exemption from payment) Bill, 1970.

**HARYANA**

The Haryana Land Revenue (Additional Surcharge) Amendment Bill, 1970.

**KERALA**

The Kerala Agriculturists' Debt Relief Bill, 1968.

**MADHYA PRADESH**

The Madhya Pradesh Agricultural Production Marketing (Amendment and Validation) Bill, 1969.

The Madhya Pradesh Land Revenue Code (Amendment) Bill, 1969.

The Madhya Pradesh Commercial Crops (tax on land) Amendment Bill, 1969.

**RAJASTHAN**

The Rajasthan Land Revenue (Amendment) Bill, 1970.

The Rajasthan Tenancy (Amendment) Bill, 1970.

**TAMIL NADU**

The Tamil Nadu Land Reforms (Reduction of Ceiling on Land) Bill, 1970.

The Tamil Nadu Co-operative Land Development Banks (Amendment) Bill, 1970.

The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) (Amendment) Bill, 1970.

The Madras Preservation of Private Forests (Amendment) Bill, 1970.

**MAHARASHTRA**

The Maharashtra Agricultural Produce Market Committee (Extension of term of office of members) Bill, 1970.

The Maharashtra Land Revenue Code (Temporary Amendment) Bill, 1970.

**MYSORE**

The Mysore Cattle Licensing (Amendment) Bill, 1970.

The Mysore Land Revenue (Amendment) Bill, 1970.

The Mysore Agricultural Produce Marketing (Regulation) (Amendment) Bill, 1970.

The Mysore Land Reforms (Amendment) Bill, 1970.

**UTTAR PRADESH**

The U.P. Agricultural Production Mandi (Amendment) Bill, 1970.

The U.P. Land Revenue (Amendment) Bill, 1970.

**WEST BENGAL**

The West Bengal Paddy Purchase Tax Bill, 1970.

The West Bengal Land (Requisition and Acquisition) (Amendment) Bill, 1970.

**GOA, DAMAN & DIU**

The Goa, Daman and Diu (Abolition of Proprietorship of lands in Diu) Bill, 1970.

**PONDICHERRY**

The Pondicherry Plant Diseases and Pests Bill, 1969.

The Karaikal Agricultural Labourer Fair Wages Bill, 1970.

The Pondicherry Revenue Recovery Bill, 1970.

**Legal****MAHARASHTRA**

The Code of Civil Procedure (Maharashtra Amendment) Bill, 1970.

The Suits Valuation and Bombay Court fees (Amendment) and Bombay City Civil Court Decrees and Orders (Validating) (Amendment), 1970.

The Bombay Court fees (Amendment) Bill, 1970.

**ORISSA**

The Code of Criminal Procedure (Orissa Amendment) Bill, 1970.

**RAJASTHAN**

The Rajasthan Taxation Laws (Amendment) Bill, 1970.

The Rajasthan Panchayat Laws (Second Amendment) Bill, 1969.

**TAMIL NADU**

The Code of Civil Procedure (Tamil Nadu Amendment) Bill, 1969.

**UTTAR PRADESH**

The U.P. Civil Law Amendment Bill, 1970.

Indian Penal Code (Uttar Pradesh Amendment) Bill, 1969.

The U.P. Official Language (Subordinate Courts) Bill, 1970.

**WEST BENGAL**

The West Bengal Court fees Bill, 1970.

**GOA, DAMAN & DIU**

The Court Fees (First Goa, Daman and Diu Amendment) Bill, 1970.

**PONDICHERRY**

The Pondicherry Civil Courts (Amendment) Bill, 1970.

**Local Self Government**

**ANDHRA PRADESH**

The Andhra Pradesh Municipalities (Amendment) Bill, 1970.

**GUJARAT**

The Bombay Provincial Municipal Corporations (Gujarat Amendment and Validating Provisions) Bill, 1970.

**KERALA**

The Kerala Municipal Corporations (Second Amendment) Bill, 1969.

**MADHYA PRADESH**

The Madhya Pradesh Municipal Corporations (Amendment) Bill, 1969.

The Madhya Pradesh Panchayat (Amendment and Validation) Bill, 1969.

Umaria Municipality (Validation of tax laws) Bill, 1969.

**MAHARASHTRA**

The Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Bill, 1970.

**MYSORE**

The Mysore Village Panchayats and Local Boards (Amendment) Bill, 1970.

**ORISSA**

The Director of Municipal Administration (Orissa) Exercise of Jurisdiction Validation Bill, 1970.

**TAMIL NADU**

The Tamil Nadu Panchayats (Amendment) Bill, 1970.

**UTTAR PRADESH**

The U.P. Kshetra Samiti and Zila Parishad (Short-term Measures) Bill, 1970.

The U.P. Nagar Mahapalika (Amendment) Bill, 1970.

The U.P. Interim Zila Parishad (Re-erecting and Continuance) Bill, 1970.

**WEST BENGAL**

The Calcutta Municipal (Amendment) Bill, 1970.

**PONDICHERRY**

The Pondicherry Municipal Decree (Amendment) Bill, 1970.

**Medical****KERALA**

The Kerala Maternity Benefit (Repeal) Bill, 1970.

**WEST BENGAL**

The R. G. Kar Medical College and Hospital (Amendment) Bill, 1970.

The West Bengal Homoeopathic System of Medicine (Amendment) Bill, 1970.

**Parliamentary Affairs**

**GUJARAT**

The Gujarat Legislative Assembly Members' Salaries and Allowances (Amendment) Bill, 1970.

**HARYANA**

The Punjab State Legislature (Prevention of Disqualification) Haryana Amendment Bill, 1970.

The Punjab Legislative Assembly (Speaker's and Deputy Speaker's Salaries) (Haryana Amendment) Bill, 1970.

The Haryana Salaries & Allowances of Ministers Bill, 1970.

The Punjab Legislative Assembly (Allowances of Members) Haryana Amendment Bill, 1970.

**MADHYA PRADESH**

The Madhya Pradesh Salaries & Allowances of Ministers (Amendment) Bill, 1969.

**MAHARASHTRA**

The Bombay Legislature Members Salaries & Allowances (Amendment) Bill, 1970.

**GOA, DAMAN & DIU**

The Goa, Daman & Diu Salaries and Allowances of Members of the Legislative Assembly (Third Amendment) Bill, 1970.

The Goa, Daman & Diu Salaries and Allowances of Ministers (2nd Amendment) Bill, 1970.

The Goa, Daman & Diu Salaries & Allowances of the Speaker and Dy. Speaker (2nd Amendment) Bill, 1970.

**HIMACHAL PRADESH**

The Salaries and Allowances of Members of the Legislative Assembly (Himachal Pradesh) (Amendment) Bill, 1970.

The Salaries and Allowances of Speaker and Deputy Speaker of the Legislative Assembly (Himachal Pradesh) (Amendment) Bill, 1970.

Salaries and Allowances of Ministers (Himachal Pradesh) (Amendment) Bill, 1970.

#### PONDICHERRY

The Salaries and Allowances of Ministers (Pondicherry) (Amendment) Bill, 1970.

The Salaries and Allowances of the Speaker and the Deputy Speaker of the Legislative Assembly (Pondicherry) (Amendment) Bill, 1970.

The Salaries and Allowances of the Members of the Legislative Assembly (Pondicherry) (Amendment) Bill, 1970.

#### TRIPURA

The Salaries and Allowances of Ministers (Tripura) Amendment Bill, 1970.

The Salaries & Allowances of Members of the Legislative Assembly (Tripura) Amendment Bill, 1970

The Salaries and Allowances of the Speaker and the Deputy Speaker of the Legislative Assembly (Tripura) Amendment Bill, 1970.

### **Social**

#### MADHYA PRADESH

The Madhya Pradesh Children Bill, 1969.

The Madhya Pradesh Aid to Destitutes Bill, 1969.

#### RAJASTHAN

The Rajasthan Children Bill, 1969.

#### WEST BENGAL

The Bengal Vagrancy (Amendment) Bill, 1970.

### **Transport and Communication**

#### HARYANA

The Motor Vehicles (Haryana Amendment) Bill, 1970.

#### UTTAR PRADESH

The Uttar Pradesh Motor Vehicles taking over (Extraordinary Power) (Amendment) Bill, 1969.

**Miscellaneous**

**GOA, DAMAN AND DIU**

**The Indian Fisheries (Goa, Daman and Diu Amendment No. 1) Bill, 1970.**



## APPENDIX IV

Ordinances issued during the period 1st January, to 30th April, 1970

Sl. No.	Subject	Date of Promulgation	Date on which laid before the Houses	Date of cessation	Remarks
1	2	3	4	5	6
<b>Andhra Pradesh</b>					
1	The Gajapathigram Taluk and Ongole District (Formation) Ordinance, 1970 . . . . .	21-1-70	9-2-70	26-2-70	Repealed by Legislation
2	The Andhra Pradesh Sugarcane (Regulation of Supply and Purchase) Ordinance, 1969 . . . . .	24-12-69	9-2-70	18-3-70	-Do-
3	The Andhra Pradesh Preventive Detention Ordinance, 1969 . . . . .	24-12-69	9-2-70	26-2-70	-Do-
<b>Bihar</b>					
1	Bihar Land-rent (Exemption from Payment) Ordinance, 1970 . . . . .	12-3-70	12-3-70	24-4-70	-Do-
<b>Gujarat</b>					
1	The Bombay Provincial Municipal Corporations (Gujarat (Second Amendment and Validating Provision) Ordinance, 1969 . . . . .	23-12-69	18-2-70	..	-Do-
<b>Haryana</b>					
	The Punjab Town Improvement (Haryana Amendment and Validation) Ordinance, 1970 . . . . .	..	12-1-70	16-2-70	-Do-

				Replaced by Legis-
				lation
2	The Punjab Legislative Assembly (Allowance of Members) Haryana Amendment Ordinance, 1970	23-1-70	16-2-70	-Do-
3	The Haryana Salaries and Allowances of Ministers Ordinance, 1970	-Do-	-Do-	-Do-
4	The Haryana Board of School Education (Amendment) Ordinance, 1970	31-1-70	-Do-	-Do-
<b>Kerala</b>				
1	The Kerala Motor Vehicles (Taxation of Passengers and Goods) Amendment Ordinance, 1970	12-1-70		
2	The Kerala Housing Board Ordinance, 1970	12-1-70		
<b>Madhya Pradesh</b>				
1	The Saugar University (Amendment) Ordinance, 1970	..	..	..
2	The Saugar University (Second Amendment) Ordinance, 1970	..	..	..
<b>Maharashtra</b>				
1	The Maharashtra Preventive Detention Ordinance, 1969	2-3-70	11-4-70	Replaced by Legis-
2	The Maharashtra Agricultural Produce Market Committees Ordinance, 1970	2-3-70	8-4-70	-Do-
3	The Bombay Building Repairs and Reconstruction Board (Amendment) Ordinance, 1970	2-3-70	11-4-70	-Do-
4	The Maharashtra Land Revenue Code (Temporary Amendment) Ordinance, 1970	2-3-70	11-4-70	-Do-

1	2	3	4	5	6
		<b>Mysore</b>			
1	The Mysore Land Reforms (Amendment) Ordinance, 1970 . . . . .	2-1-70	20-1-70		Replaced by Legislation
		<b>Orissa</b>			
1	The Orissa Preventive Detention Ordinance, 1969 . . . . .	30-12-69	20-2-70	5-3-70	-Do-
2	The Orissa Co-operative Societies (Amendment) Ordinance, 1970 . . . . .	20-1-70	20-2-70	5-3-70	-Do-
		<b>Rajasthan</b>			
1	The Rajasthan Prohibition of Prejudicial Acts Ordinance, 1970 . . . . .	3-1-70	19-1-70		Withdrawn
2	The Industrial Disputes (Rajasthan Amendment) Ordinance, 1970 . . . . .	9-1-70	20-1-70		Replaced by Legislation
3	The Rajasthan Housing Board Ordinance, 1970 . . . . .	12-2-70	9-3-70		-Do-
		<b>Uttar Pradesh</b>			
1	The Uttar Pradesh Collection of Taxes and other Public Money (Amendment and Validation) Ordinance, 1970 . . . . .	6-1-70	26-2-70	8-4-70	-Do-
2	The Uttar Pradesh Sales Tax (Amendment and Validation) Ordinance, 1970 . . . . .	6-1-70	26-2-70	22-3-70	-Do-

3	The Uttar Pradesh Land Revenue (Amendment) Ordinance, 1970 . . . . .	6-1-70	26-2-70	2-4-70	-Do-
4	The Uttar Pradesh Official Language (Subordinate Courts) Ordinance, 1970 . . . . .	22-1-70	26-2-70	8-4-70	-Do-
5	Acts to be assented to by the President for Uttar Pradesh (Re-enactment) Ordinance, 1970 . . . . .	9-2-70	26-2-70	8-4-70	-Do-
6	U.P. Kshettra Samiti and Jila Parishad (Short-term Measures) Ordinance, 1970 . . . . .	23-3-70	28-4-70	6-6-70	-Do-
7	The U.P. Profession Business Vacation and Service Composite Tax (Amendment) Ordinance, 1970 . . . . .	31-3-70	28-4-70	12-6-70	-Do-
8	The U.P. Village Panchayat and Kshettra Samiti (Extension of Term) Ordinance, 1970 . . . . .	27-4-70	28-4-70	30-5-70	-Do-

**APPENDIX V**  
*Party Position in Parliament and State Legislative Assemblies*

**I. Lok Sabha**  
(As on 31st May, 1970)

Name of the State	Seats	Cong	Cong (O)	Swa.	JS	DMK	CPI	CPI (M)	SSP	PSP	UIPG			BKD	Un-attached	Total	
											11	12	13			14	15
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15			
Andhra Pradesh	14	23	11	3			1			..	2			1	41		
Assam	14	8	1		..		1		..	2	1			..	13		
Bihar	53	24	8	..	1		5		5	1	4	1		3	52 (1 Vacant)		
Gujarat	24	2	9	7	..									..	6	24 (1 Vacant)	
Haryana	9	6	2		1											9	
Jammu & Kashmir	6	5						..							..	6	
Kerala	19	..	..	..	..			3	9	2	1			1	6		
Madhya Pradesh	37	22	1	1	9					2				3	18 (1 Vacant)		
Maharashtra	45	32	5	1			..		..	..				3	36 (1 Vacant)		
Mysore	27	10	8	4			2		2	1	1	1		1	45 (1 Vacant)		
Nagaland	1	1	..	..					1	4				..	27		
Orissa	20	4	2	9	..				..	..					1		
Punjab	13	5	1	..	2				1	4				..	20		
Rajasthan	23	12		5	2					..	2			2	11* (1 Vacant)		
											2			..	23		

Tamil Nadu . . . . .	39	..	3	6	..	25	..	4	..	..	..	..	1	39
Uttar Pradesh . . . . .	85	41	7	..	11	..	6	1	7	1	2	6	3	85
West Bengal . . . . .	40	13	4	..	..	..	5	5	1	1	8	..	3	40
<i>Union Territories</i>														
Andaman & Nicobar Islands . . . . .	1	1	..	..	..	..	..	..	..	..	..	..	..	1
Chandigarh . . . . .	1	..	..	..	1	..	..	..	..	..	..	..	..	1
Dadra & Nagar Haveli . . . . .	1	..	1	..	..	..	..	..	..	..	..	..	..	1
Delhi . . . . .	7	1	..	..	6	..	..	..	..	..	..	..	..	7
Goa, Daman & Diu . . . . .	2	..	..	..	..	..	..	..	1	1	..	..	1	2
Himachal Pradesh . . . . .	6	6	..	..	..	..	..	..	..	..	..	..	..	6
Laccadive, Minicoy & Amindivi Islands . . . . .	1	1	..	..	..	..	..	..	..	..	..	..	..	1
Manipur . . . . .	2	1	..	..	..	..	1	..	..	..	..	..	..	2
Pondicherry . . . . .	1	..	1	..	..	..	..	..	..	..	..	..	..	1
Tripura . . . . .	2	2	..	..	..	..	..	..	..	..	..	..	..	2
<i>Nominated</i>														
North-East Frontier Tract . . . . .	1	1	..	..	..	..	..	..	..	..	..	..	..	1
Anglo India . . . . .	2	..	..	..	..	..	..	..	..	..	2	..	..	2
TOTAL . . . . .	523	221	64	36	33	25	24	19	17	16	25	10	27	517+
														(\$ Vacant)

\* Excludes the Speaker, who is not a member of any Party.

## Party position in Lok Sabha

(As on the 31st May, 1970)

S. No.	Name of Party/Group	Strength
1.	Congress . . . . .	221
2.	Congress (O) . . . . .	64
3.	Swatantra Group . . . . .	36
4.	Jana Sangh Group . . . . .	33
5.	D.M.K. Group . . . . .	25
6.	CPI Group . . . . .	24
7.	CPI (Marxist) Group . . . . .	19
8.	S.S.P. Group . . . . .	17
9.	P.S.P. Group . . . . .	16
10.	United Independent Parliamentary Group . . . . .	25
11.	B.K.D. Group . . . . .	10
12.	Unattached . . . . .	27
	Vacancies . . . . .	5
	TOTAL . . . . .	522
	(excluding the Speaker)	

II. Rajya Sabha

(As on the 20th June, 1970)

	Seats	Congress	C.P.P. (O)	Swatantra	Jan Sangh	S.S.P.	P.S.P.	C.P.I. (M)	C.P.I.	IND	Others
1	2	3	4	5	6	7	8	9	10	11	12
Andhra Pradesh .	19	9	4	1				1		2	1 T.U.F.
Assam .	7	5	..	..	..	1	..	..	..	1	
Bihar .	22	8	3	..	2	4	1	2		2	
Gujarat .	11	..	7	2						2	
Haryana	5	4	1					..	..		..
Kerala .	9*	..						2	2	..	4 (2 M.L.) (1 RSP) (1 ISP)
Madhya Pradesh .	16	10	1		4		..	..		1	..
Maharashtra .	19	12	1				1	1		1	3 (1 SMS)@ (2 Rep.) %
Mysore . . .	12	1	7				2			2	

\*Vacancies—1 (Kerala-1).

@S. M. S. Sampurna Maharashtra Samiti.

% Rep. Republican Party.







*Party position in Rajya Sabha*  
(As on the 20th June, 1970)

S. No.	Name of the Party	Strengt
1.	Congress . . . . .	88*
2.	C.P.P. (O) . . . . .	42
3.	Swatantra . . . . .	13
4.	Jana Sangh . . . . .	15
5.	S.S.P. . . . .	8
6.	P.S.P. . . . .	5
7.	C.P.I. . . . .	9
8.	C.P.I. (M) . . . . .	8
9.	Independent . . . . .	14
10.	Others . . . . .	28
11.	Nominated by the President . . . . .	9**
12.	Vacancy . . . . .	1
TOTAL . . . . .		240

\*Including 3 nominated by the President.

\*\*Excluding 3 who have joined the Congress Party.

States	Seats	Cong. (R)	Cong. (O)	Swat.	J.S.	CPI	CPI (M)	SSP	PSP	Rep.	Other Parties	Ind.	Nom.	Muslim League	Forward Block	DMK	Total
Andhra Pradesh (As on 1-5-70)	288	175	14	19	3	10	8	1	..	2	39a	12	1				284b
Bihar	319	81	31	3	32	25	2	53	18		42aa	28	1				316bb
Gujarat (As on 31-5-70)	168	7c	86	54	1			1	3		..	16	..				168
Haryana (As on 26-6-70)	81	49d	4		7						17e	1					78f
Jammu & Kashmir (As on 18-6-70)	75	62	..		4	..	..	..			3g	3	..	..			72h
Kerala (As on 26-3-70)	134	5	4			20	49	4	..		23j	10	1	14			130k
Madhya Pradesh (As on 16-6-70)	297	188	..		67	1	..	8	3	..	23L	5	1	..	..		296m
Maharashtra (As on 23-6-70)	271	191	13		5	8	2	6	7	2	22n	11	1	1	1	..	270o
Mysore (As on 12-6-70)	217	29	128								46p	12					215q
Nagaland (As on 10-6-70)	52	..	..	..	..	..	..	..	..		52r	..					52
Orissa (As on 10-6-70)	140	24	3	49		7	1	1	21		28s	5					139t
Punjab (As on 24-6-70)	95	28		1	8	4	2	..	1	..	50u	1v					95v
Rajasthan (As on 7-7-70)	184	113	..	28	18	1	..	6	..	..	11w	7x		..	..	..	184z
Tamil Nadu (As on 1-6-70)	235	8	41	12	..	3	10	1	4	1	1y	3		2	7	138z	231z
Uttar Pradesh (As on 30-4-70)	426	136	97	4	42	4	1	32	3	1	98(l)	5	..				423
West Bengal (As on 19-6-70)	282	37	13			30	80	9	5		74(ii)	(11)(iii)	2		21	..	282
Goa, Daman & Diu (As on 3-6-70)	32	..	..	..	..	..	..	..	..	..	29(iv)	2	..				31(v)
Himachal Pradesh (As on 8-6-70)	63	43(vi)	..		7	2						11					63
Pondicherry (As on 4-6-70)	30	7	3			3	..					2	..			5t	30
Tripura (As on 24-6-70)	30	27(vii)	..	..		1	2	..	..	..	..	..	..	..	..	..	30

- a. Telengana United Front-28, Peoples Democratic Group-4, Jana Congress-7.  
 aa. Janta-12, Loktantric Congress Party-9, BKD-8, Shoshit Dal-6, Kul Jharkand-7.  
 b. Excluding the Speaker and 3 seats are vacant.  
 bb. Excluding the Speaker and 2 seats are vacant.  
 c. Congress led by Shri Jagjivanram.  
 d. Including the Speaker.  
 e. Haryana United Front.  
 f. 3 seats are vacant.  
 g. National Conference.  
 h. 3 seats are vacant.  
 j. Indian Socialist Party-11, Revolutionary Socialist Party-6, Kerala Congress-5, Karnhaka Thorhillali Party-1.  
 k. Excluding the Speaker and 3 seats vacant.  
 l. Lok Sevak Dal-19, Progatishel Vidhayak Dal-4.  
 m. 1 seat is vacant.  
 n. Peasants and Workers-21, Hindu Sabha-1.  
 o. One seat is vacant.  
 p. Samyukta Vidhayak Dal.  
 q. Excluding the Speaker and 1 seat is vacant.  
 r. Nagaland Nationalist Organization (Ruling)-43, United Front of Nagaland-9.  
 s. Jana Congress-26, Progressive-2.  
 t. Excluding the Speaker.  
 u. Akali Party-49, Shiromani Akali Dal (Panj Kaunsali)-1.  
 v. Hon'ble Speaker.  
 vv. Information about the party affiliation of 9 members is not available at present.  
 w. B.K.D.  
 x. Including the Speaker.  
 y. Including 1 affiliated Member.  
 z. Tamil Arasu Kazhagam.  
 zz. Excluding the Speaker and 3 seats are vacant.  
 (i) Bhartiya Kranti Dal-94, Hindu Mahasabha-1, Muslim Majlis-2, Kisan Mazdoor Party-1.  
 (ii) Bangal Congress-33, Revolutionary Party of India-12, Socialist Unity Centre-7, Gorkha League-4, Lok Sevak Sangha-4, Workers Party-2, Revolutionary Communist Party of India-2, Forward Block (Marxist)-1, Congress (c)-5, Progressive Muslim League-3, Indian National Democratic Front-1.  
 (iii) Including the Speaker.  
 (iv) Maharashtrawadi Gomantak Party-17, United Goans Party-12.  
 (v) Excluding the Speaker.  
 (vi) Including 3 nominated Congress.

CORRIGENDA

to

THE JOURNAL OF PARLIAMENTARY INFORMATION

Vol. XVI: No. 2 - July, 1970

<u>Page No.</u>	<u>Para No.</u>	<u>Line</u>	<u>For</u>	<u>Read</u>
11	2	3	or	for
22	1	1	P. Vovinda Menon	P. Govinda Menon
71	1	5	of	or
86	3	17	'agency Fund might not also suffice'	'might not be possible in such cases'
120	1	9	sent	seat
124	2	16	deserving	observing
128	2	3	to	be
128	1	6	delete the words "under Bill"	
140	5	3	present	peasant
150	4	1	regarding	reading
166	7	4	bad	had
172	1	2	rescored	restored
175	9	2	throughout	thorough
178	8	2	set up	setting up
182	2	3	national leave	national level
196	5	5	as well	as well as
200	3	4	Zimbalve	Zimbabwe
207	2	2	served	saved
221	1	1	secondly	seconding
221	8	2	said demise	sad demise
257	3	3	"and regarding"	"regarding"
257	footnote		'Siminar to the and'	'Similar to the one'

P.T.O.

<u>Page No.</u>	<u>Para No.</u>	<u>Line No.</u>	<u>For</u>	<u>Read</u>
261	1	5	contemned	concerned
277	2	4	discused	discussion
277	2	10	enter	earlier
281	4	5	legislation	legislator
286	2	4	who	was
291	4	2	'vacancy by the'	'vacancy caused by the'

LSRP-29,8,1970/550.